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The unhappy marriage of victimhood and citizenship in transitional justice exploring the potential of gender-just transformative reparations in Colombia

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The unhappy marriage of victimhood and citizenship in transitional justice

***Exploring the potential of gender-just
transformative reparations in Colombia***

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***A thesis submitted in partial fulfilment of the University's
requirements for the Degree of Doctor of Philosophy***

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Abstract

This thesis analyses whether transitional justice (TJ) can contribute to the transformation of structural gendered inequality by exploring the scope and potential of gender-just transformative reparations. It does so by identifying the gaps between survivors' experiences of gendered TJ and their needs, demands and hopes for the future. This way, it provides insights into how TJ can be improved to better respond to the needs of survivors and contribute to the transformation of gendered and other structural inequalities. Colombia's Victims' Law was used as a case study for this research, providing new empirical data to explore the increasingly popular concept of transformative reparations.

This data was collected through ethnographic and participatory visual research methods, based on a feminist postmodernist approach to participatory epistemologies and methodologies. Fieldwork took place between August 2015 and April 2016 in two small communities of former internally displaced persons on Colombia's Caribbean Coast. Semi-structured and photo-elicitation interviews, as well as visual and non-visual focus groups were undertaken with 32 community participants, as well as semi-structured interviews with 15 non-community stakeholders. Participant observation and informal conversations took place with many more community members and stakeholders.

This thesis offers new ways of thinking about gendered TJ, critically engaging with several ongoing debates within the field. In terms of the theoretical separation of reparations and development, this thesis argues for the blurring of the lines between them in order to connect reparations to wider goals of social justice, as a prerequisite for including survivors as equal citizens. Building on this, it calls for a shift in the way TJ addresses its beneficiaries, arguing for the adoption of a citizenship approach instead of TJ's traditional victimhood focus. Finally, it outlines a new way of giving shape to gender-just transformative reparations, taking the building of gendered practices of active citizenship as a guiding principle, in order to enhance survivors' agency and their ability to take the future in their own hands.

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Chapter 1. Introduction

‘Clara told me that women still have an interiorised feeling of being restricted to the household. Even if they do go to meetings, they hardly speak. It used to be even worse: women would only go to meetings to represent their husbands, when they were unable to attend. Her case was especially difficult, because her husband was very jealous. She said she didn’t understand how she was able to survive those 38 years of marriage. Clara said that people used to live like slaves: women being slaves of their husbands and men slaves of their work. This is why they were displaced so easily. And even now they are sometimes treated like beings with no will of their own. Clara for example felt she was forced to accept a solar panel as part of the project accompanying land restitution. It cost 4 million pesos but stopped working quickly. If she had received 4 million pesos instead she would have been able to do much more, such as dividing the land with barbed wire. The money of the project wasn’t enough to finish the corral either. The same happened with the house she was supposed to receive. She has had the doors and windows (one of them already broken) stored inside her simple wooden house for ages, but she is still waiting for the new house to be built’.

Field notes 3 March 2016.

This anecdote illustrates how gender relations in these communities were and continue to be very rigid. It also shows how people felt and continue to feel they live in conditions of extreme poverty, making them powerless against human rights violations and dependent on a State which gives reparations that are not able or even intended to repair, much less transform survivors’ lives. In the face of this powerlessness, which tends to be magnified for women because of traditional gendered role divisions, is there a way to reconceptualise reparations so that they can contribute to the transformation of people’s lives and subjectivities, for survivors to stop feeling treated like second class citizens dependent on the goodwill of the State? What role could reparations play in combating women’s interiorised feeling of being ‘slaves’ to their husband or household? These are the questions my research addresses.

In this thesis, I use Colombia as a case study to analyse whether transitional justice (hereafter mostly referred to as TJ), and reparations in particular, can contribute to the transformation of structural gendered inequality. I explore the gaps between the ways gendered TJ is experienced by conflict survivors, and how these experiences relate to what TJ theory says on the one hand, and to the needs and demands survivors identify on the other. Identifying the gap between theory and practice of TJ policies can provide important insights into how these can be improved to better respond to the needs of survivors, especially to transform gendered and other structural inequalities which are often fundamental to the causes of conflict. This analysis is important, because in recent

decades TJ has come to be seen as part and parcel of internationally accepted approaches to dealing with the aftermath of conflict (Sharp, D. N. 2013, Teitel 2003).

My thesis makes three original contributions to the field of TJ research: it pushes the boundaries of TJ theory, offers new empirical data, and uses innovative methodologies to address the issues at stake. In terms of TJ theory, this thesis critically engages with the concept of gender-just transformative reparations and suggests different shifts in thinking about TJ. I argue for substituting TJ's victimhood focus with an approach that addresses survivors as citizens. As a result, I call for a reconceptualisation of reparations in order to contribute to agency and citizenship building instead of reinforcing patterns of passive reception of reparations, which in their most common form – compensation payments – do little to transform survivors' lives. Related to this, I argue for disrupting the rigid division between reparations and development which is upheld by certain authors within the field (De Greiff 2009, Roht-Arriaza and Orlovsky 2009, Waldorf 2012). As my research reveals, this division does not correspond to the needs of many survivors, and therefore risks jeopardising the reparatory effect of reparations. Providing development and social justice are essential steps for including survivors as equal citizens with the preconditions to perform an active practice of citizenship. This research offers new empirical data which enriches the field of TJ research, analysing survivors' lived experiences of Colombia's Victims' Law which, because of its recent adoption, has not been the subject of much published research. The data collected moreover has a different focus from many other TJ research projects, focusing on everyday gendered experiences and needs rather than zooming in on the 'spectacular' effects of conflict. Finally, methodologically, my research combines different qualitative methods. This makes an original contribution, as participatory visual methods have seldom been used within the field of TJ research. These methods allowed for the collection of a different kind of data, while enabling a more democratic way of doing research with less risks of retraumatisation, which is crucial when undertaking research with conflict survivors.

Transitional justice refers to a set of measures aimed to address large-scale and serious human rights abuses in States that move on towards democracy. It is therefore associated with periods of political change, which are seen as spaces of rupture that allow for the transition to a new political and normative order (Hinton 2011: 1, Teitel

2001, 2003). Yet despite its name and a predominant emphasis on judicial responses to large-scale and serious human rights violations, TJ does not only refer to justice, but is based on four broad pillars. The first of these pillars is the right to truth, which refers to large-scale processes of truth telling, generally through non-judicial truth commissions which aim to create a broader historical perspective. The creation of spaces for the stories of those affected by conflict is argued to not only promote individual healing but also help society as a whole overcome its traumatic past (Hayner 2001, Mani 2002, Teitel 2001, 2003). The second pillar of TJ is the right to justice, which has taken different forms over the last decades, ranging from international tribunals to national prosecutions and hybrid courts, combining national and international legislation and personnel (Sharp, D. N. 2013, Teitel 2003). Reparations are the third pillar of TJ, designed to offer redress to survivors of human rights violations. *Restitutio in integrum* or full restitution and the restoration of survivors to the situation prior to the human rights violations has traditionally been the guiding principle here. In order to achieve this, reparations should consist of a package of different measures including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, combining material, financial and symbolic, and both individual and collective reparations (United Nations General Assembly 2005). Reparations are generally implemented through administrative programmes. These need to strike a balance in four respects: between completeness in terms of the number of beneficiaries, comprehensiveness in terms of the crimes covered, complexity in terms of the benefits distributed, and coherence both internally among the different reparation measures and externally with other TJ measures (De Greiff 2006, Rubio-Marín 2006). Guarantees of non-repetition are the fourth and perhaps least clear-cut pillar of the TJ framework. They are often understood to be part of reparations (United Nations General Assembly 2005), but are also treated as a separate area which includes institutional, constitutional and legal reform, processes of vetting and lustration to eliminate persons responsible for human rights violations from public office, and processes of demobilisation, disarmament and reintegration (Teitel 2001, United Nations Economic and Social Council 2005).

It is assumed that rather than operating as separate tools, all four TJ pillars are used together to help a country establish a peaceful democratic order. The mechanisms are therefore often regarded as ‘boxes to tick on the post-conflict checklist’ (Sharp

2013: 151). At the same time, many post-authoritarian and post-conflict regimes have not been able to consolidate real democratic regimes, raising questions about the effectiveness of TJ (Waldorf 2012). While several authors contend that TJ should promote the participation and ownership of survivors and make their needs central (Buckley-Zistel and Zolkos 2012, García-Godos 2013b, Lundy and McGovern 2008, Weinstein and Stover 2004), others have argued for an increased attention towards local forms of justice and peacebuilding, which are less alien to survivors' worldviews (Lambourne 2009, Lundy and McGovern 2008). In contrast, some have called for the inclusion of socio-economic crimes in TJ, which are generally given less priority than civil and political rights violations, echoing the human rights framework that gave rise to TJ theory (Douzinas 2000, Laplante 2008, Miller 2008). These critiques have led to new ways of framing TJ as transformative justice (Gready et al. 2010, Lambourne 2009). Transformative justice suggests that a transition from peace to conflict, beyond changes in the affected countries' institutional and legal framework, also needs to include social, economic and cultural transformations which address the underlying causes of conflict. It is argued that this more encompassing approach is needed for turning peace and democracy from a formality on paper into a reality on the ground and in the everyday lives of the persons affected by conflict, therefore marking the difference between negative and positive peace (Galtung 1969) which will be described in Chapter 2. The increasingly popular concept of transformative reparations could be seen to build on ideas of transformative justice, as it assumes that instead of returning survivors to their previous situation, reparations should address the structural causes of conflict, removing the conditions that enabled or caused the violations to give survivors a new starting point for a different future (Brett and Malagon 2013, Lambourne 2009, Uprimny Yepes 2009). Nevertheless, there has been a paucity of empirical research about the impact of TJ on peacebuilding, reconciliation and democracy, especially in terms of survivors' experiences (Clark, J. N. 2011, Viaene 2010).

Although it is increasingly recognised that TJ needs to include a gender perspective, as conflicts affect men and women differently, understandings of 'gender-sensitive' TJ remain limited. They often boil down to the inclusion of women and sexual violence against women, rather than attempting to transform the underlying gender inequality on the basis of a thorough gender analysis (Buckley-Zistel and Zolkos

2012, Bueno-Hansen 2015, Theidon 2009). More recently, the concept of transformative reparations has also found resonance within the field of gendered TJ, with several authors (Durbach and Chappell 2014, Rubio-Marín 2009b) suggesting how reparations could help transform the conditions that lead to gender-based violence. Yet few empirical studies have analysed how TJ responds to deeper structures of gender inequality, and how men and women imagine post-conflict futures of gender equality. This thesis engages with those questions.

Aims of the research

This thesis explored the everyday lived experience of TJ, to understand whether TJ is capable of transforming gendered and other inequalities for its beneficiaries, and identify its gendered dynamics and impacts. The overarching research questions that guide this thesis are:

1. In what ways is transitional justice capable of contributing to the transformation of structural gendered inequality?
2. What does gender equality mean for survivors, how do they envision their future and how could transformative reparations be a means to achieve this?

This way, the research combines a top-down and bottom-up approach to understanding gendered transitional justice and its potential to transform gender inequality, through identifying the gap between experience and policy in the field of gendered TJ. In relation to these two principal research questions, I explore two related topics. On the one hand, I analyse the victim categories that transitional justice creates, and how these relate to its goal of transformation. On the other, I explore how the concept of gender-just transformative reparations relates to wider goals of social justice and development, which many authors (De Greiff 2009, Roht-Arriaza and Orlovsky 2009, Waldorf 2012) consider to be beyond the remit of TJ, yet which has clear gendered impacts. The debate about the perceived broadening of the scope of TJ has been considered one of the most hotly debated questions of contemporary TJ (O'Rourke 2015). Through this analysis I provide new insights and make recommendations for helping gender-just transformative reparations respond better to their promise of transformation. I show that the concept of transformation should be based on the lived experiences of survivors of conflict, since it

is *their* situation that should ultimately be transformed. In spite of this, survivors' particular needs and experiences across different conflicts remain under-researched in much of the TJ literature.

I engage with these questions in the context of Colombia's 2011 Victims' Law, which provides an ambitious and comprehensive programme of reparations and restitution to the survivors of Colombia's conflict. The Victims' Law is considered to be one of the most complex and integral reparation programmes worldwide (Forero-Niño 2012, Sikkink et al. 2015), and so offers an interesting case for comparing the policy and practice of gendered TJ. Although in this thesis I relate TJ to the fields of development and peacebuilding, it should be noted that I draw specifically on TJ literature. Including wider peacebuilding, reconciliation and development literature would broaden the scope of the research too much, risking a loss of focus. Moreover, I believe that the increasing popularity of transitional justice as an area of research and practice justifies a close scrutiny of this particular field.

Gendered transitional justice is a topic close to my heart and to my previous professional experience, having undertaken research and lobby work on the topic of gender-sensitive TJ in Guatemala for over five years. My experience revealed that TJ often does little to change the situation of the survivors of conflict, or to address the root causes of violence and structural inequalities. Thus peace becomes a faraway dream for many conflict survivors, who continue to live in poverty with few opportunities for a better future. It is a reality that tends to be even stronger for women, since many post-conflict societies are characterised by patriarchal social systems that continue to marginalise them and other social groups. This explains my interest in understanding whether and how TJ could better address the needs of survivors: if it fails to transform their situation and does not accompany transitions to peaceful and just societies, what would the point of transitional justice be?

Although as a 'white' researcher I recognise there is a risk of colonialism and misrepresentation in looking at peacebuilding in Latin America (Sultana 2007), I also believe that being a researcher from 'the West' makes it especially important to look critically at the role TJ plays, as it is based on the Western legal paradigm of human rights. While TJ has been portrayed as a way of helping societies overcome their problematic past, it also risks maintaining historic global hierarchies based on

representations of the West as the saviour of the ‘third world’, while at the same time using Western concepts that have not even always been successful in the West itself (McEvoy 2008). Moreover, it raises questions on whether the West’s concern with peace in the ‘third world’ is rooted in altruism, or whether other motivations are at play. The existence of ulterior motives is for example suggested by the United Kingdom’s attitude towards Colombia. During the 2016 visit of Colombian President Santos, the UK government indicated its commitment to building peace by providing support of over £30 million to assist with demining and reconstruction, which would improve the lives of over three million people. However, the UK’s Prime Minister Theresa May reflected that this support would also create export opportunities worth around £6 billion for 2,500 British businesses (May 2016). This demonstrates how the promotion of peacebuilding abroad can often not be seen as separate from – economic – self-interest. As Western researchers we have a responsibility to critically analyse the political and economic structures of which we are a part, and which underpin and maintain global inequalities.

In an attempt to combat the aforementioned risks of misrepresentations or disconnections between me as researcher from the ‘Global North’ and the experiences of participants from the ‘Global South’, I have tried to build on ideas of important Latin American thinkers and writers (such as Fals-Borda, Freire, Jelin, Lagarde, and Martin-Baró), who form part of a rich regional history of liberation theology and psychology, feminism and participatory research. Making use of these locally originated ideas in my research, complemented with current Latin American research in the field of TJ and gender, is important for exploring how TJ could build on Latin America’s culture and history.

Epistemology, methodology and methods

Contrary to the self-interest that might motivate support for TJ among some local and international actors, the experiences and needs of survivors, and the transformation of the structural inequalities that enable different forms of violence, should be at the heart of TJ efforts. The intention to transform survivors’ lives presupposes an understanding of what their lives are like. This thesis is therefore based on a combination of epistemological and methodological approaches that allow for a better understanding of

how survivors' lives are shaped by structural inequalities, to so enable the generation of knowledge that can contribute to the transformation of these inequalities.

My research is based on a feminist approach. Feminist thought has developed in different 'waves', focusing in the first wave on women's political rights and therefore the public sphere, and in the second wave on their sexual rights, prioritising the private sphere (De Beauvoir 1993, Brownmiller 1975, MacKinnon, Catharine A. 1988, Mies 1998). It can also be divided among radical feminism, which critiques women's sexual and political domination by men and advocates the radical separation of women from men and the creation of autonomous spaces for women, and liberal or 'equality feminism', which aims to create equality between men and women, for example by improving women's access to education and work (Anthias and Yuval-Davis 1992, Charlesworth and Chinkin 2000, Mies 1998). Developing from this second wave, post-colonial and black feminists (hooks 1990, Lorde 2007, Mohanty 2003) started criticising feminism's lack of attention to diversity among women, leading to a third wave that embraces diversity and difference, through challenging fixed categories and binaries while situating itself in a globalised world with transnational problems. This third wave is also influenced by queer and transgender theory (Butler 1990, Krollokke and Scott Sorensen 2006). Although political or grassroots feminism should be distinguished from feminist epistemologies, they are closely related (Letherby 2003).

Feminist epistemologies share certain key interests. In the first place, feminist research is interested in asking 'new' questions and uncovering knowledge that is often taken for granted (Hawkesworth 2012, Letherby 2003, Pillow and Mayo 2012, Roberts 1993). In this way, it challenges 'traditional' positivist research that tends to privilege a masculine worldview and men's experiences, and assumes that reality and knowledge about it are the same for everyone (Letherby 2003, Roberts 1993, Wolf 1996). Whereas positivist research is often critiqued for objectifying and exploiting the research participants, feminist research instead aims to produce knowledge that is useful for women and other oppressed groups, seeking social change and the transformation of different forms of oppression (Letherby 2003, Nagy Hesse-Biber 2012, Stanley and Wise 1993). The production of knowledge is hence regarded as part of a political process of emancipation and the transformation of inequalities (Hawkesworth 2012, Letherby 2003). Feminist research aims to uncover women's experiences – and 'their

very existence' which is often insufficiently recognised in positivist research (Roberts 1993: 15) – through analysing everyday experiences. By demonstrating the oppression and inequality inherent in everyday experiences, the ordinary is problematised and questioned with the objective of transforming gender inequalities. Therefore, the personal is political, and personal experiences and emotions are a site for the construction of knowledge (Fonow and Cook 1991, Ramazanoglu and Holland 2002, Stanley and Wise 1993).

It is however important to recognise that gender is not the only social structure of oppression. Others including class, race, sexuality, nationality, age, disability and religion can also be essential in shaping people's positions, identities and therefore their experiences (Hill Collins 1999, Thornton Dill and Kohlman 2012, Yuval-Davis, N. 2006). Thus, as many black and postcolonial feminists rightly observe, a shared gender does not necessarily lead to shared experiences (hooks 1990, Letherby 2003, Lorde 2007, Mohanty 2003). These sites of oppression, called borderlands by some (Anzaldúa 2012) and margins by others (hooks 1990) also create new locations for research and for understanding the world, and open opportunities for incorporating 'other' voices within feminist academia, promoting the 'insurrection of subjugated knowledge' in order to contribute to the end of oppression (hooks 1990: 8). At the same time, understanding the different interlocking systems of power is crucial to understand the impact that research can have, since its results and their recognition are also defined and restricted by such power systems (Hill Collins 1991, Tuhiwai Smith 2012, Wolf 1996).

In feminist theory, the distinction between ontology (what is reality) and epistemology (what can we know about reality) is blurred, since 'reality' is shaped by social experiences, which at the same time form the basis for knowledge about this reality (Guba and Lincoln 2004, Stanley and Wise 1993). Feminist research is therefore critical of positivist research's assumption of a single objective truth about the social world (Letherby 2003). Most feminist researchers argue that objectivity is impossible, as the world cannot be seen 'from nowhere', since it is embedded in social structures in which researchers and their research are located (Haraway 1988, Letherby 2003). This makes value-free science impossible, and the term 'situated knowledges' is often used to denote that knowledge is always partial, subjective, relational and, as the term suggests, multiple (Butler-Kisber 2010, Haraway 1988, Wolf 1996). The recognition of

the presence of the researcher and her influence on the research through interpreting and selecting data distinguishes feminist from positivist research, while also leading to the problematisation of the role of the researcher (Haraway 1988, Hawkesworth 2012, Law 2004). There is a risk of ‘speaking for’ the research participants, since differences in ethnic, economic, class, and educational background often create an unequal power relationship between researcher and research participants (Nagy Hesse-Biber 2012). Research can become yet another form of colonisation which maintains white supremacy, with outside researchers ‘giving voice’ to their less powerful participants (Mohan 2001, Tuck and Guishard 2013, Tuhiwai Smith 2012). To avoid such accusations, a researcher is required to have a critical consciousness about their own privilege and ‘whiteness’ and the oppressive structures operating within society, as well as a shared goal of transforming inequality and oppression (Ahmed 2007, Letherby 2003, Lorde 2007, Mohanty 2003, Tuck and Guishard 2013). Moreover, it is important to recognise that in the end it is almost always the researcher who decides what and who to quote and how to write up the research, rendering it impossible to completely eliminate the power imbalance between researcher and participants (Wolf 1996).

My own feminist lens is influenced by ideas of postcolonial and black feminists, but also by feminist postmodernism, which troubles the assumption of a single truth about reality. It rejects the existence of fixed categories and aims to disrupt binaries and taken for granted assumptions and practices, such as essentialised ideas about ‘women’ and their shared experience. It embraces difference, multiplicity and partiality (Hawkesworth 2012, Letherby 2003), analysing and challenging the way discourses produce truths (Gannon and Davies 2012, Hawkesworth 2012). Feminist postmodernist writers including Butler (1990) describe gender not as a fixed category, but as continuously performed and reproduced through a set of repeated acts. The ‘being of gender’ is therefore the result of this repetition through discourse, rather than its cause (Butler 1990: 32). In earlier feminist thought, women and men are often essentialised as the oppressed group and the common enemy respectively, neglecting diversity among men’s situations and experiences and the possibility of alliances with men (Butler 1990, hooks 1990). Feminist postmodernism instead opens up space for the discussion and analysis of the position and experiences of men.

Feminist postmodernism allows for disrupting essentialising and objectifying categories which are common in 'gendered' TJ. For example, postmodern feminist legal theory considers women's individual experiences instead of seeking any 'grand theory' (Charlesworth and Chinkin 2000). This allows for the exploration of the multiplicity of experiences and knowledges, based on the intersection of gender with other social identifiers such as ethnicity, class or sexuality. The everyday experiences that are often the focus of feminist research are a means to identify the forms of structural violence that people, and especially women, experience. They are therefore also a way of uncovering the effects of TJ in practice, and to challenge its universalising discourse of how peace and democracy are best established. Feminist postmodernism helps in examining different experiences and 'truths' and in unsettling the fixed gendered victim categories that TJ creates. There is however also an inherent risk in feminist postmodernism, for it is often considered to be better at critiquing than at offering practical solutions for the identified problems (Gannon and Davies 2012, Teitel 2003). I therefore combine a feminist postmodernist lens with participatory research, which is explicitly interested in the potential of research as a political tool for social change, building on the knowledge of those directly affected by the social issues under study.

Participatory approaches are especially relevant for TJ, since paradoxically research on TJ is more often than not produced by researchers who do not actually live in or come from post-conflict areas, whereas TJ itself is regularly criticised for its global discourse which is far removed from the experiences of conflict survivors (Jones, B. 2015, Robins and Wilson, E. 2015). Therefore one can ask if the 'expert knowledge' produced by much TJ research actually represents the experiences and knowledge of the people affected by conflict, who tend to be in a more powerless position with little means of making their opinions heard about TJ or the research in which they participate. Therefore, such research risks at best to merely reflect outsiders' understandings of conflict and how to deal with it, instead of corresponding to survivors' viewpoints and needs (Jones, B. 2015, Robins and Wilson, E. 2015).

In this research I take a different approach and aim to produce knowledge that reflects the different and multiple experiences, voices, perspectives and needs of the research participants. Participatory research plays an important role in this. Rather than a set of particular methods, it refers to a way of doing research in a collaborative process

(Cornwall and Jewkes 1995, Tuck and Guishard 2013). It is based on a bottom-up approach, making participants' priorities and perspectives central to the research, with the goal of producing knowledge not through research *on* the participants, but as the result of a collaboration between researcher and participants, leading to results that the participants can subsequently use themselves (Kesby et al. 2005). In this way it seeks to democratise the research process, using methods as a means of sharing power between researcher and research participants, in order to create a collaborative process of knowledge production with the ultimate goal of social action (Cornwall and Jewkes 1995).

Participatory research values and emphasises both the process and outcome of research. The process of research is designed to raise consciousness and increase participants' critical awareness of their situation and of the problems and inequality they face (Fals-Borda 1987, Freire 1996). Inherent to this process is the assumption that knowledge is socially constructed and embedded. Moreover, knowledge consists of different types of knowledge, not limited to academic knowledge but also including experiential knowledge of non-academics, which is often not considered of equal value. In this way, participatory research enables research participants to produce and maintain ownership over their own knowledge, which becomes a source of power to affect change (Blakey et al. 2012, Fals-Borda 1987). This legitimisation of popular knowledge disrupts the traditional, positivist process of knowledge production which is controlled by 'experts' generating 'expert knowledge' about the participants that they themselves cannot see (Gaventa and Cornwall 2008, Lundy and McGovern 2006, Lykes and Hershberg 2012, Tuck and Guishard 2013). Participatory approaches can be particularly relevant in the field of TJ, which has long been dominated by rather narrow notions of what constitutes harm, defined by external experts, while the people affected by conflict might have different ideas about what harms they suffered (Robins and Wilson, E. 2015). Participatory research moreover has a long history in Latin America (Fals-Borda 1987, Freire 1996), where characteristic of the liberation theology movements in the 1970s processes of popular education and participatory research were widely used as tools for awareness raising and organisation against oppression. Like feminist research, participatory research thus aims to emancipate marginalised groups, allowing them to transform their lives (Cornwall and Jewkes 1995, Lykes and Hershberg 2012).

Applying a postmodern feminist lens to participatory research therefore distinguishes this study from previous TJ research projects, which have often been too theoretical and based on a human rights framework that is far removed from survivors' lived experiences. Taking survivors' everyday experiences as a basis enables a better understanding of how TJ affects their lives and how it can better respond to the structural inequalities that characterise their situation. In order to further enhance the potential of my research as a tool for social justice, I have used participatory visual research methods. As outlined in Chapter 4, visual research methods are a tool for accessing and understanding everyday experiences that reflect larger gendered and other inequalities, while also offering the participants a means to capture and communicate their own 'truths' and lobby for the change *they* envision.

Contrary to positivist research, which builds on a hypothesis formulated on the basis of theory, I have used a grounded theory approach to my research. Thus data collection and analysis are conducted in parallel and interrelated processes, enabling the discovery of a theory which is grounded in the data and subsequently connected to and compared with existing debates within the field of study (Dick 2005, Idrees et al. 2011). This allows theory to be close to reality, forming a solid basis for the design of actions (Idrees et al. 2011, Strauss and Corbin 1998). Using such an approach allowed me to place the experiences of survivors at the forefront of my research, in line with the goals of feminist and participatory research.

The research process

The empirical data for this research was collected during fieldwork in Colombia. Unlike other post-conflict contexts such as South Africa or Bosnia, Colombia has not yet been 'over-researched', allowing for the contribution of new perspectives and analyses from a context which is not showing 'research fatigue' (Clark 2008). Furthermore, Colombia offers a particularly interesting context in which to study the gendered impacts of TJ on survivors' everyday lives, as the Victims' Law, the main focus of this research, provides a 'transformative' and 'differential' focus that includes gender. The combined use of these perspectives – discussed in more detail in Chapter 3 – offers an interesting entry point for analysing the scope for reparations to contribute to the transformation of gender inequality.

In February 2015 I had the chance to visit Bogotá to attend a workshop on transitional justice, land and structural inequalities. This allowed me to also undertake meetings with academics and civil society organisations working in the field of gender and TJ, to discuss and validate my research aims and ideas. During my visit I established contacts with Corporación Jurídica Yira Castro, who were interested in my ideas and offered to put me in touch with two communities they were working with – see Chapter 3 for more detail. As a result I decided to work with the communities of La Pola and La Palizua in the municipality of Chibolo, spending the period between August 2015 and April 2016 there, taking part in their activities in the context of the Victims’ Law process, in everyday family and community activities and even the annual party in La Pola, which was held over the course of several days in November 2015. In Chapter 4 I describe the ethnographic and participatory visual research I undertook in these communities. This included semi-structured and photo elicitation interviews, visual and community focus groups with 32 community participants, and innumerable informal conversations. In May 2017 I undertook a return visit during which I presented my research results to the participants. They told me they felt that the results represented their experiences. This visit moreover enabled me to see if and how the situation of the participants had changed, and confirm whether my research results were still valid. If anything, the tendencies and patterns described in this thesis had become stronger. I will give some examples of this in Chapters 6 and 8. My research is intentionally limited to a group of people with a similar experience. Although this research provides in-depth insights into some of the issues at stake in Colombia, it is therefore not possible to make generalisations. To gain a wider understanding of gendered TJ in Colombia, I also undertook semi-structured interviews with 15 non-community stakeholders. A list of all formal and informal participants is included as Appendix 6.

Research on gender-sensitive TJ often focuses on specific ‘gendered’ experiences of conflict, especially sexual violence which is considered *the* gendered experience of conflict (Crosby and Lykes 2011). As this research aims to understand the survivors’ gendered experiences of TJ and its impact on transforming gender inequality, a broader approach is adopted, in which gender is understood as a relational concept that refers to relations between men and women. These are defined by the ways in which men and women are socialised into socially and culturally prescribed gender roles. In

response to this, I am interested here in understanding the relationships between and amongst men and women, rather than narrowly defined 'gendered' experiences of conflict. The group of people I worked with do not necessarily fit into the gendered victims' categories commonly used in TJ, as they have not denounced sexual violence, while women-headed households are few. This however does not mean that the participants' experiences of conflict and post-conflict reconstruction are not gendered, as I show in Chapter 8. Although I also describe common forms of masculinity in these communities, discuss gendered impacts of conflict on men and suggest ways of involving men and addressing masculinities in TJ, my main focus has been on women's gendered experiences and needs for the future. While cognisant of the risk inherent in feminist research, described by Butler (1993), of prioritising women's experiences while at the same time criticising the essentialising of women and exclusion of men, it will become apparent that women's unequal position in these communities justifies specific attention to their experiences and needs, which are often overshadowed by general or men's concerns (Cornwall 2003). Moreover, as a single researcher in a time, resource and funding constrained PhD project, it was not feasible to include groups of men in the more in-depth participatory visual research process. This instead remains an important area for further research.

During the research, I encountered some ethical challenges which are discussed in Chapter 4. Apart from these specific issues, it is important to raise some more general ethical considerations with which I have struggled throughout my PhD. First of all, in researching issues related to inequalities, terms such as 'vulnerability' and 'empowerment' are frequently used in both literature and practice. I find these terms very problematic. The term 'empowerment' for example not only implies the intention to include people and give them opportunities in a context characterised by oppression and economic inequality (McEwan 2005), but also seems to suggest that researchers or practitioners have the capacity to give power to powerless research participants as neo-colonial saviours. It moreover ignores how power is not something that can be acquired or shared, but exists in multiple ways in all relations (Foucault 1990). Research participants also have power, not only over their lives but also over the research process, which they can for example demonstrate by refusing to participate or maintaining certain silences (Bishop 2005, Lykes and Hershberg 2012, Mohan 2001).

Similarly I am uncomfortable with describing people as ‘vulnerable’. As Butler (2006) has pointed out, recent terrorist attacks on Western people have demonstrated that all human beings are vulnerable. Therefore, describing only a specific group of people as vulnerable omits that there are no groups of people who are intrinsically more vulnerable than others. Instead, our global systems are characterised by economic, political and gendered – among other – power inequalities, which actively exclude or marginalise certain groups of people. I therefore prefer not to speak of ‘vulnerability’ but of ‘exclusion’ or ‘marginalisation’, in order to emphasise the process that produces these conditions of inequality. This also presupposes awareness of my own privilege, having been born in a certain part of the world with a specific class and ethnic background, and the related responsibility to help change the system that produces the mentioned inequalities (hooks 1990, Mohanty 2003).

In order to maintain the agency of the people involved in research, I use the term ‘survivors’ rather than ‘victims’, and for the same reason I speak about ‘research participants’ rather than ‘research subjects’. It should be pointed out that I do not use pseudonyms for the communities, respecting their own decision following discussion with community members in focus groups and with some of the community leaders. The participants saw my research as a way of getting the story about their experience and needs across to a wider audience. Echoing the views of other authors (Brent 1997, Wood 2006), giving the villages pseudonyms would fail to take the participants and their political goals and agency seriously. In fact, the stories and names of these communities have already been the subject of various reports in printed and online magazines in Colombia. Similarly, the majority of the Photovoice images are accompanied with the real names of the photographers – with one exception – since they explicitly stated that they wanted their names to be displayed with images¹. Throughout the written text I do however use pseudonyms for all including the Photovoice participants, to protect their security and in order not to expose their identity in relation to other comments they made which might be more private or delicate, can give away their relation to others leading to their identification, or can cause friction among the community members.

¹ The participants indicated this in specific consent forms (see Appendix 3).

Finally, it should be noted that this research project required me to navigate three languages, as a Dutch researcher working in a British university and undertaking research in Spanish speaking Colombia. This has not always been an easy task. Sometimes I was lost for words in any of these three languages, whereas some culturally specific terms are challenging to translate accurately. An example of this is the term ‘aha’, a constantly used utterance among the community participants. One of the interviewed stakeholders even spoke of the ‘aha mode’ of the people in Chibolo (Interview with the researcher 21 December 2015). ‘Aha’ can be used to signify a sense of resignation for not controlling the outcome of events, while it can also denote indignation. In some of the quotes I have left the term without trying to translate it, as I consider it characteristic of the local form of expression. I have included a list of Spanish terms and their translation is included in Appendix 4.

The structure of the thesis

This thesis considers whether transitional justice, through the concept of gender-just transformative reparations, can contribute to the transformation of gender inequality. In Chapter 2 I start by reviewing the pertinent literature on – gendered – TJ, identifying the specific omissions and lines of critique that are analysed in more depth throughout the rest of the thesis. Chapter 3 describes the context of the conflict in Colombia and identifies the past and current TJ measures that have been implemented in the country. This sets the scene for understanding the context of the villages in which my fieldwork took place. In Chapter 4 I discuss the methods used for the data collection and analysis, and some of the ethical challenges encountered.

Having set out the framework of my research, Chapter 5 then describes the gendered relations and role divisions in the communities of La Pola and La Palizua, which are defined by social and historical patterns of patriarchy, rurality and clientelism, producing a weak form of citizenship, especially among women. Chapter 6 describes the everyday experience of the Victims’ Law within these communities. It reveals how the law’s ‘victim-centred’ focus forces beneficiaries in a rigid participatory and organisational framework which risks weakening more authentic forms of organisation, whereas transitional justice’s focus on victimhood reinforces passivity, increasing dependence on the State and creating hierarchies and competition among survivors. In

Chapter 7 I outline the breach between the participants' needs for reparations, and what the Victims' Law offers them. This perspective is placed in the context of the wider debate about the relationship between reparations and development, and so offers a new way of thinking about TJ in the light of broader and longer-term social justice goals.

Bringing these debates together with the gender roles described in Chapter 5, Chapter 8 then examines the gendered impacts of conflict to consider the way that TJ in Colombia responds to them. By analysing women's needs for the future, I suggest ways in which reparations can play a role in the building of a more active understanding and practice of citizenship. This emphasis on citizenship as a tool for the transformation of gender relations and inequality is a new approach to TJ, helping to overcome its often-critiqued tendency to zoom in on helplessness and passivity by virtue of its attention on victimhood. Efforts to increase citizenship through reparations can help combating survivors' dependence on the State, which is currently reinforced by TJ. Strengthened citizenship could enhance women's autonomy and increase gender equality. Reparations should however also encompass work with men on masculinities to contribute to this process of gendered transformation. I conclude in Chapter 9 by summarising the way in which TJ, through gender-just transformative reparations, can contribute to the transformation of gender inequality, while also suggesting areas for future research that can build on the findings described in this thesis.

Chapter 2. Transitional justice and the transformation of structural gender inequality

In this chapter, I discuss the main academic debates in the field of transitional justice, in order to locate my research within a critical gendered analysis of TJ. I start by outlining transitional justice as a field of practice and study, after which I discuss the different critiques of TJ that have emerged over the last decades and that situate my research. These debates contrast TJ's initial legal focus with new insights from other disciplines, not only challenging its top-down practice and focus on specific types of crimes, but also raising ethical questions about the concept of TJ. I then discuss and critique the development of a gendered analysis of TJ, and conclude by identifying the gaps within the current research on gendered TJ and highlighting how this thesis will address these by contributing new ways of thinking about gender-just transformative reparations.

The development of the paradigm of transitional justice

Transitional justice is a relatively new field of academic study. The term was coined in the 1990s, although the actual set of practices upon which it builds can be traced back earlier (Arthur 2009, Teitel 2003). The post-World War II trials of Nuremberg and Tokyo can be seen to have laid the basis for the field of TJ, being the first attempt to prosecute large-scale atrocities committed by a prior regime. This period can therefore be seen as the first phase of transitional justice (Teitel 2003), which also illustrates some of the challenges that characterise the practice and academic debate on TJ, such as selecting whom to prosecute and with what sentences, amongst other issues (Sharp, D. N. 2013, Teitel 2001).

After a period of impasse as a result of the Cold War, TJ moved on to a second phase, marked by transitions from military rule to democracy in South America and the post-Cold War transitions in Eastern Europe. This phase was no longer characterised by international justice, but rather by a more pragmatic approach to justice, weighing the risks of prosecutions against the need for peace and stability (Teitel 2003). Strong military or predecessor regimes can make prosecutions politically risky, whereas the material, human and financial resources needed for justice processes are often unavailable in countries emerging from conflict, making it difficult to guarantee the

minimum conditions for a fair trial as set out in Western human rights standards (Mani 2002, Minow 1998, Rigby 2001, Sharp, D. N. 2013). Moreover, prosecutions can have a ‘revictimising’ effect on victims and witnesses who are forced to recount their traumatic experiences to judges and defence who are not ‘empathetic listeners’ (Bloomfield et al. 2003, Franke 2006, Mani 2002). These disadvantages led to the use of different mechanisms, principally truth commissions, which were seen to be more victim-centred than prosecutions, and considered to have a larger impact on reconciliation and society as a whole for offering a more comprehensive account of the past (Mani 2002, Minow 1998). Amnesties accompanied truth commissions in the transitions in the Southern Cone and in South Africa, as a mechanism to promote reconciliation while maintaining political stability. This led to what some saw as a trade-off between peace and justice (Hinton 2011, Sharp, D. N. 2013, Teitel 2003). South Africa’s Truth and Reconciliation Commission is a case in point, with its particular take on reconciliation through granting amnesty in return for truth – not an element common to all truth commissions (Borer 2009, Chapman and Ball 2001, Kashyap 2009, Rigby 2001).

In this way, TJ has become attached to a universalising language about forgiveness and reconciliation (Teitel 2003). A serious flaw in this discourse is the lack of a common understanding or agreed upon theory of reconciliation (Bloomfield 2006, Hoogenboom and Vieille 2010, Weinstein and Stover 2004). Although reconciliation is often understood as the end goal of transition processes, it can also be seen as a continuous process of redesigning relationships between war-affected communities (Bloomfield 2006). This generates different levels and dimensions of reconciliation, ranging from vertical or political – between population and government – to horizontal or social reconciliation – between people in a society (Bloomfield 2006, Lambourne 2001, Theidon 2010). This in turn can range from mere co-existence to the building of an integrated community built upon trust, representing ‘thin’ and ‘thick’ conceptions of reconciliation (Hoogenboom and Vieille 2010: 186). This makes the goal of contributing to reconciliation a complex one. Moreover, it can be questioned whether ‘reconciliation’ can be achieved through outside mechanisms such as truth commissions, or whether these risk imposing reconciliation on survivors who expect more redress than truth or apologies. The case of Canada illustrates this. Whereas the Canadian government regarded its apologies for the residential school system as a way

of closing a difficult past, the indigenous peoples saw it merely as a beginning of a new period, leading to disappointment that apologies were not followed by reparations (Jung 2011). This suggests how truth commissions and other TJ mechanisms can also be regarded as instruments which exchange recognition of past harm in return for the foreclosure of attempts to seek justice or reparations (Meister 2002).

The third phase of TJ is seen to have started at the end of the twentieth century, and is defined by the mainstreaming of TJ as the international paradigm for dealing with transitions to democracy (Sharp, D. N. 2013, Teitel 2003). The increased political instability after the end of the Cold War led to a normalisation of the application of TJ to different forms of conflict and unrest. Justice returned as a key aspect of TJ, exemplified by the creation of the International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) in the 1990s (Teitel 2003). But although the international support for these tribunals guaranteed international standards for a fair trial, they were also criticised for their social and geographical distance from the conflict survivors and their minimal impact on survivors' daily lives (Arzt 2006, Burnet 2011: 97, Clark, J. N. 2009, Fletcher and Weinstein 2004, Des Forges and Longman 2004). To overcome some of these weaknesses, temporary hybrid tribunals like those in Cambodia, East Timor and Sierra Leone were established, combining domestic and international law and located in the countries where the crimes took place, aiming to prosecute more perpetrators, reduce the cultural and geographical distance with survivors and reinforce the sense of justice being done (Hinton 2016, Jeffrey and Jakala 2014, Martin-Ortega 2012). These and other more recent prosecution efforts have also involved a more active participation of survivors, to improve their experience of justice, enabling them to 'regain their humanity' (Burt 2016, Hinton 2016). The renewed interest in justice as a key element to transitions was epitomised by the creation of the International Criminal Court (ICC) after the adoption of the Rome Statute in 1998 (Teitel 2003). This permanent court judges war crimes, crimes against humanity and genocide. Its creation however also entrenched a predominantly Western way of looking at peace and reconciliation, placing local approaches to peacebuilding on a secondary plane (Sharp, D. N. 2013).

The focus on judicial responses to conflict has also been reflected in TJ research which, especially in its early stages, argued strongly for the inclusion of a criminal

justice response to past abuses (Hayner 2001, Rigby 2001, Teitel 2001). Justice was considered as a way of drawing a line between right and wrong and past and present (Bloomfield et al. 2003, Mani 2002, Teitel 2001), leading to an international duty to prosecute serious human rights violations in order to deter future violations and build peace (Akhavan 2001, Orentlicher 1991). The cases of Bosnia and Rwanda have however demonstrated that justice is not always capable of overcoming ethnic divisions or establishing reconciliation (Fletcher and Weinstein 2004, Des Forges and Longman 2004, Hoogenboom and Vieille 2010). It is therefore increasingly argued that justice must be part of a broader process of social reconstruction and peacebuilding, going beyond retributive justice (Mani 2002, Minow 1998, Weinstein and Stover 2004). Truth commissions and trials have thus come to be seen as complementary rather than exclusionary, both providing a different type of truth, focusing respectively on 'social truth' and individual responsibility (Valiñas and Vanspauwen 2009). Both are considered essential elements of a broader process of transition that should also include components of reparation, commemoration, healing, education and institutional reform (Bloomfield et al. 2003, Minow 1998, Rigby 2001, Teitel 2001), therefore combining judicial and non-judicial mechanisms (Viaene 2011). In this third phase, TJ has come to be complemented by more restorative forms of justice, focusing on the common humanity of survivors and offenders to restore broken relationships and enable a peaceful future (Lambourne 2001, 2009, Wenzel et al. 2008). Although truth commissions are seen as a form of restorative justice, (Chapman and Ball 2001, Kashyap 2009, Rigby 2001), reparations seem to be even better placed for this, as they tend to offer the most tangible means of redressing past wrongs (De Greiff 2006). They have therefore become more common in recent years (Teitel 2003). Reparations, as will be discussed in more detail further on in this chapter, are an important yet complex TJ tool. They are backward looking in order to repair past harms, but also forward looking to restore and transform the situation of survivors and prevent future conflict (Lambourne 2009, Roht-Arriaza 2004, Teitel 2001). Guarantees of non-repetition, the final element included in TJ, are sometimes included in reparations programmes through educational or communication campaigns, but also comprise wider measures such as institutional and legal reform and processes of demobilisation, disarmament and reintegration (Teitel 2001).

It is clear that TJ has expanded beyond its original remit, and is increasingly understood as a 'toolbox' to be applied in a variety of peacebuilding contexts (Sharp, D. N. 2013). Originally implemented in periods of transition after violence has ended, its application and scope have expanded (Buckley-Zistel and Zolkos 2012, Nagy 2008). Colombia is a case in point, demonstrating how TJ mechanisms are being applied during on-going conflict (Summers 2012). The discourse of TJ is also increasingly applied to less conventional situations of conflict, such as the war on terror or humanitarian interventions, as well as on past injustices such as slavery. Questions of morality and justice have thus come to be central to international politics (Barkan 2000, Teitel 2003). This however also produces new challenges for TJ, since different contexts are characterised by different crimes and different survivors, leading to different types of transitions which might require different responses (Engstrom 2013, Weinstein et al. 2010). It seems unlikely that the traditional TJ 'toolbox' can just be applied to different contexts without any adaptations (Arthur 2009, Eastmond and Selimovic 2012). This calls for a more flexible approach to TJ. The current, fourth phase of TJ (Sharp, D. N. 2013) is therefore characterised by the search for a more holistic form of TJ, enabling its application in and response to different local contexts, promoting the participation of survivors and taking their different needs into consideration. This phase builds upon several key critiques of TJ, which I describe in the remainder of this chapter, and which form the backdrop to my research project.

Critiques of transitional justice

Most of the critiques of TJ are related to its legal origin and its universalising discourse about international morality and the way peace should be built (Barkan 2000, Teitel 2003). This predominantly legal analysis of post-conflict transitions risks neglecting the political, social and cultural dimensions of peacebuilding (McEvoy 2008, Weinstein and Stover 2004). Early research moreover produced little empirical evidence of the impact of TJ on the ground, and of how the people affected by conflict experience its impact (Buckley-Zistel and Zolkos 2012, Clark, J. N. 2011). More recently, interdisciplinary studies have shed light on the limitations of TJ by examining the cultural, economic and social aspects of peacebuilding that it often leaves unaddressed. One of the key critiques concerns the way in which TJ pretends to offer a 'one-size-fits-all' solution, without

taking into account the local context or the opinions, experiences and needs of the persons affected by violence (McEvoy 2008, Sharp 2013, Viaene 2011). Transitional justice institutions are often geographically and culturally far away from the persons affected by conflict (Lundy and McGovern 2008, McGregor 2008) while its conception of justice does not necessarily resonate with local forms and understandings of justice (Millar 2011, Robins 2009). TJ can therefore be seen as a neo-colonial imposition of Western norms (Buckley-Zistel and Zolkos 2012, Hinton 2011, Moyo 2012, Sharp, D. N. 2013). This is reflected by seemingly superficial issues such as language, since TJ's legal discourse is alien to most survivors, whereas certain concepts are difficult or even impossible to translate into other languages (Dhawan 2012, Robins 2012, Viaene 2010). This risks creating a disconnection between TJ and the persons and communities affected by violence, through the creation of 'state-like' TJ structures that are seldom able to deliver upon their promises of reconciliation and are far removed from the local social reality and survivors' needs (McEvoy 2008, Robins 2013, Weinstein and Stover 2004).

It is therefore argued that TJ must pay more attention to local conceptions of justice and peacebuilding, and guarantee local participation in and ownership over the processes of designing and implementing TJ measures, responding to survivors' needs instead of relying blindly on a legal approach that is not even always effective in the West, where these norms originated (Laplanche 2012, McEvoy 2008, Sharp 2013). At the same time however the notion of 'local ownership' is complex, insufficiently understood, under theorised and under researched (Lundy and McGovern 2008, Sharp, D. N. 2013). It is sometimes used as a rhetorical tool to make TJ look more democratic, while participation and ownership in reality are often appropriated by a professionalised 'elite' of NGOs that, in contrast to grassroots organisations, are still perceived as far away from grassroots communities and problems (Lundy and McGovern 2008, Robins 2012, Sharp, D. N. 2013). There is moreover a risk of romanticising the 'local'. Although local forms of justice can offer an interesting way of thinking about justice and reconciliation, they can also reinforce local power relations that exclude social groups like women or ethnic minorities (Lundy and McGovern 2008, McGregor 2008). In fact, the 'local turn' in TJ is not explicitly understood as a gendered space (Björkdahl and Selimovic 2015). Local measures might moreover fail to adhere to international

standards of human rights protection (Burnet 2011, Sharp, D. N. 2013). In practice, local conflict resolution mechanisms often combine elements of restorative and retributive justice (Lambourne 2009, Theidon 2006), since most societies are heavily influenced by Western colonial legal thinking and do not exist in detachment from national and global processes. This demonstrates that the dichotomy between ‘local’ and ‘global’ is less rigid than it seems (Dhawan 2012, Lambourne 2009, Shaw and Waldorf 2010). TJ increasingly recognises the need to find a balance between retributive and restorative, local and international forms of justice (Lambourne 2009, McEvoy 2008, McGregor 2008, Sharp 2013).

Victim-centred transitional justice and its critiques

In this more localised form of ‘transitional justice from below’, survivors’ participation in and ownership of TJ mechanisms is a central element (Sharp, D. N. 2013, Viaene 2011). This ‘victim-centred’ transitional justice calls for placing the people affected by conflict, and their testimonies and needs at the heart of the planning, decision-making and implementation of TJ processes, in order to increase survivors’ perception of justice being done and enhance healing and reconciliation (Buckley-Zistel and Zolkos 2012, García-Godos 2013b, Lundy and McGovern 2008, Weinstein and Stover 2004). This aims to counter the tendency of – especially legal – TJ processes to ‘use’ survivors’ stories in order to create more general principles and processes which can be alienating, retraumatising and disempowering to those testifying (Franke 2006, Jeffrey and Jakala 2014, McEvoy and McConnachie 2013).

There are however several problems with this victim-centred approach, starting with the concept of victimhood itself. As several authors have observed (Lamb 1996, Madlingozi 2010, McEvoy and McConnachie 2012, Moffett 2016), the key element defining a ‘true victim’ is innocence, which means victims cannot have been actively involved in conflict. This is often stressed as the principal reason – not least by victims’ organisations themselves – why victims are entitled to justice and reparation. Yet focusing on innocence is problematic, as it implies that people had no control over the events that happened to them, suggesting passivity, vulnerability and a lack of agency (Ronsbo and Jensen 2014, De Waardt 2016). This risks presenting survivors as helpless, with no responsibility for their own actions, ignoring their multiple experiences and the

resistance they often showed (Arriaza and Roht-Arriaza 2008, Boesten 2010, Kapur 2002, Lacerda 2016, McEvoy and McConnachie 2013). TJ thus forces people in a narrowly defined victim role in order to receive truth, justice or reparations. The performance of a rigidly described role such as victimhood can eventually lead to the internalisation and embodiment of the self that is repeatedly being performed (Butler 1990, Millar 2015). This can do harm, as it makes people adopt or demonstrate a passive victim identity, which can make them less likely to see themselves as political agents who can demand their rights, therefore reinforcing dependence rather than enhancing autonomy (Anderson 1999, Lacerda 2016, Robins 2012, De Waardt 2016). Therefore, it might be more appropriate to speak about ‘victims/survivors’, ‘survivors’ or ‘those affected by conflict’ in order to keep the agency of the survivors intact (Cobban 2006, Mani 2002, Tabak 2011).

Another unfortunate consequence of the focus on victimhood and its being defined by innocence, is that it creates a hierarchy between victims (McEvoy and McConnachie 2012, De Waardt 2016). Those most innocent are considered to be ‘most deserving’ of the benefits reserved for victims, while those considered less innocent, for example for being members of political organisations, are regarded as ‘bad victims’ and less deserving for being responsible for their suffering. They are therefore excluded from TJ narratives, mechanisms and benefits (Madlingozi 2010, McEvoy and McConnachie 2012, Moffett 2016). A binary is created between the good, innocent victim and the bad perpetrator (Moffett 2016). This victim-perpetrator dichotomy ignores a grey area of people who might have become perpetrators after having suffered crimes, perpetrators who suffered harms after joining armed groups, or people who were forced to commit crimes as part of self-defence groups or as child soldiers (Jacoby 2015, Theidon 2006, Viaene 2011). Others might not have been direct perpetrators, yet were complicit bystanders (Madlingozi 2007, McEvoy and McConnachie 2013). Especially in protracted and complex conflicts there are many shades of grey, making it difficult to distinguish ‘genuine’ or ‘deserving’ from ‘undeserving’ victims (Saeed 2016). People who suffered crimes other than civil and political rights violations – frequently women – are often not even considered as victims in TJ processes, but merely treated as indirect victims and witnesses of other people’s experiences (Franke 2006). This hierarchy of victimhood risks producing competition and distrust

(Rombouts 2002, Saeed 2016). Academic researchers can become complicit in creating this hierarchy by determining guilt and innocence, ‘good’ and ‘bad’ in the way they describe a conflict and its actors (Dauphinée 2007).

Although a more nuanced understanding of ‘complex victims’ would do more justice to the experience of many survivors (Moffett 2016), the simplifying binary between victim and perpetrator fits the discourse of TJ well, and is convenient for human rights organisations and international actors in this field, exemplifying their ‘quest for justice’ (Viaene 2011) as ‘transitional justice entrepreneurs’ (Madlingozi 2010) in the ‘transitional justice industry’ (Sharp, D. N. 2013). In this process, survivors’ stories with their own emphases and interpretations are appropriated by human rights lawyers and non-governmental organisations, and edited, selected and framed in human rights discourse to fit the goal of TJ processes (McEvoy and McConnachie 2013). This produces a narrative of survivors as vulnerable and in need for others to fight for their rights, which dovetails with the desire of human rights advocates and the general public in the ‘developed world’ to feel good for saving the poor and mistreated people in countries affected by conflict (Kashyap 2009, Madlingozi 2010, Razack 2007). Human rights violations are therefore often converted in a spectacle to elicit what Weine (2006) calls a ‘universal moral call’. This dynamic reinforces global structures of inequality and portrays a rather one-sided image of the role of the ‘West’ as the saviour of vulnerable people. The international community’s role in conflicts and its inability to prevent or mitigate them is conveniently edited out (Barkan 2000, Buckley-Zistel and Zolkos 2012, Drexler 2011, Hinton 2016, Nagy 2008). These global inequalities are also reflected in the fact that TJ was not applied to the countries which became independent from Europe after WWII, for fear of the prosecution of the nationals of those same Western countries that are now the motors behind TJ (Arthur 2009).

Transition or transformation?

The preceding critique of how TJ risks reinforcing inequalities is related to a more fundamental debate within the field, about what type of transition is actually aimed for, when and for whom (Nagy 2008)? TJ is assumed to accompany legal-institutional reforms in a process towards democracy, rather than more widespread socio-economic

transformation. The grounds for the exclusion of these wider social processes have however never become entirely clear (Arthur 2009). It is therefore not surprising that the scope of TJ has been the subject of academic debate in recent years. The fact that many post-authoritarian and post-conflict countries now find themselves in political 'grey zones' in which they do not seem to be able to achieve real peace has reinforced this debate (Waldorf 2012).

Part of this critique addresses transitional justice's rather limited focus on specific human rights violations. Since TJ is often implemented after a regime change or conflict, it tends to focus on gross human rights violations, predominantly dealing with direct violence and civil and political rights violations such as torture, sexual violence, killings and disappearance (Nagy 2008). It generally excludes economic and social rights violations, including issues such as theft, destruction or loss of property, corruption or displacement (Cavallaro and Albuja 2008, Duthie 2011b, Sharp, D. N. 2013). This follows human rights law's tendency to prioritise civil and political over social and economic rights, the latter being subject to available resources and progressive realisation (Douzinas 2000). TJ seems to address what Galtung (1969) defines as negative peace or the absence of direct violence, while neglecting the need for positive peace or the absence of structural violence. Structural violence refers to the structures of economic, geographical, gender and ethnic inequality affecting millions of people through poverty, disease and violence (Farmer 1996). Structural violence should therefore also be seen as violence of a political nature, given that it is defined by unequal power relations and structures of exclusion (Evans 2016, Gready and Robins 2014).

If TJ genuinely aims to contribute to building peace and resolving conflict, it needs to address the underlying causes of the conflict. These are often related to structural violence and social and economic inequalities, such as land and natural and economic resources (Huggins 2009, Sharp, D. N. 2013). If TJ is not accompanied by structural changes that respond to survivors' socio-economic needs, it will do little to change their situation, and is likely to leave them dissatisfied (Cahn et al. 2010). This is illustrated by South Africa, where in spite of a TRC and a reparations programme socio-economic inequality was not transformed, leading to frustration among the black population (Chapman and Ball 2001, Kashyap 2009, Laplante 2008, Mani 2002).

Failing to address the underlying causes of conflict risks leaving the problematic relationships between development and conflict, and inequality and reconciliation unaddressed (Buckley-Zistel 2009, Miller 2008, Sharp, D. N. 2013). This way, TJ can become a superficial or rhetorical tool, which leaves post-conflict countries with uncertain guarantees of non-repetition (Dancy and Wiebelhaus-Brahm 2015, Laplante 2008).

It is therefore argued that TJ must adopt a more critical approach, more geared towards the transformative potential of periods of transition. This means it must understand justice more broadly, not only based on retributive justice, but also including redistributive justice, addressing underlying structural socio-economic inequities and injustices (Buckley-Zistel and Zolkos 2012, Mani 2002). Some authors have therefore argued for a broader framework of transformative justice, which not only addresses the symptoms of conflict – direct violence – through corrective justice, but also the root causes of conflicts, including structural violence (Gready et al. 2010). This model therefore draws upon the different critiques of TJ that I have discussed above, using them to problematise and enrich TJ rather than dismiss it (Buckley-Zistel and Zolkos 2012). Transformative justice suggests combining the different pillars of TJ in a more holistic and integrated approach, focusing on civil and political as well as social and economic rights violations, aiming towards the transformation of structures of inequalities, while taking the local context and everyday needs and agency of survivors into account in a participatory process which emphasises survivors' agency (Crosby et al. 2016, Gready and Robins 2014, Lambourne 2009, Sharp, D. N. 2013). This requires a combination of both top-down and bottom-up, retributive and restorative justice approaches, not only addressing past abuses but also analysing how the underlying structures of inequality influence the present and future (Gready et al. 2010). It is clear that such transformations are only possible if TJ is regarded as a long-term process (Lambourne 2009). Some authors are therefore hesitant and warn for overly high expectations for such an 'overloaded' TJ (Duthie 2011a, De Greiff 2009). They argue that a long-term process of structural socio-economic transformation goes beyond the life-span of TJ institutions (Huggins 2009, Lenzen 2009, Waldorf 2012), moreover pointing out that proposals for transformative justice remain rather vague and theoretical (Waldorf 2012).

Transformative reparations: bridging transitional and social justice?

Reparations could provide a way to make transformative justice more practically applicable, since their potential socio-economic impacts seem to be best placed within the ‘transitional justice toolkit’ to contribute to the transformation of underlying inequalities (Durbach 2008, Gready and Robins 2014). Although reparations have received less attention in academic research on TJ, the field is emerging in an effort to explore the full scope and potential of TJ (De Greiff 2006, Nagy 2008). This also responds to the fact that survivors of conflict often seem to prioritise economic needs, preferring compensation over retributive justice (Gready and Robins 2014, Robins 2013, Waldorf 2012). Reparations are moreover regarded as an instrument for reintegrating survivors as equal citizens and rights-holders in a political community, therefore re-establishing civic trust – trust in State institutions and their values (De Greiff 2009, O’Rourke 2013, Roht-Arriaza and Orlovsky 2009).

Reparations have traditionally been understood in a backward looking way, providing *restitutio in integrum* – the restitution of survivors to their situation prior to the violations. It is however clear that in many situations, especially in the case of death or disappearance, full restitution is not possible (Lambourne 2009, Roht-Arriaza 2004, Viaene 2010). Returning survivors of human rights violations to their pre-conflict conditions of poverty, discrimination or violence might moreover be undesirable (Uprimny Yepes 2009, De Waardt 2013). Most reparation programmes tend to provide limited monetary reparations rather than more integral reparations, which should also consist of rehabilitation measures such as physical and mental health care and symbolic reparations such as apologies, recognition and memorialisation. Compensation is ‘easier’ to implement and less economically and politically costly (O’Rourke 2013, Viaene 2010). Survivors’ situations are however rarely radically transformed by monetary compensation, leaving them in a situation of poverty and experiencing the same ethnic, class or gendered inequality (Lambourne 2009, Mani 2002). The bureaucratic requirements to obtain reparations can revictimise survivors (O’Rourke 2013, Viaene 2010), similarly to the victim hierarchy described above. Some survivors experience feelings of guilt for receiving economic compensation for the death of their loved ones, or for receiving individual compensation in collective cultures (Viaene 2010). Others even express an outright refusal of reparations, for resisting their political

and historical meaning and coercive potential. This demonstrates how material reparations have a symbolic meaning, complicating the traditional dichotomy between material and symbolic reparations (Moon 2012). It should however be noted that survivors' expectations of reparations and the impact of the gap between promises and reality have not been sufficiently researched (Viaene 2010, De Waardt 2013).

It is increasingly argued that reparations should be transformative. Addressing and redressing the structural causes of conflict, they should give survivors a new starting point for a different future (Brett and Malagon 2013, Lambourne 2009). This means that transformative reparations should go beyond corrective justice, instead including aspects of distributive justice which contribute to addressing the underlying socio-economic inequality. This relates reparations to the provision of development measures and social services, which in turn contributes to social justice and the elimination of conditions of marginalisation and poverty that facilitate violations, hence enhancing guarantees of non-repetition (Balasco 2013, Uprimny Yepes 2009).

Some authors (Hamber 2000, Roht-Arriaza 2004, Roht-Arriaza and Orlovsky 2009, Waldorf 2012) warn for confusing reparations with development, since development is a basic State obligation anyway. Providing development as reparations therefore risks the State getting away with reparations without actually repairing survivors for or acknowledging the specific wrongs done. This way reparations could lose their moral distinctiveness and reparative element (Urban Walker 2016). On the other hand, limiting reparations to restoration might absorb a large portion of scarce resources in economically weak post-conflict countries, which risks jeopardising economic growth in general, and the social and economic rights of other citizens who did not experience conflict-related crimes but are 'victims' of the general situation of poverty and inequality. This can create divisions between different categories of poor people (Dancy and Wiebelhaus-Brahm 2015, Mani 2008, Uprimny Yepes 2009). Transformative reparations could serve as a bridge between corrective and distributive justice, for example through the provision of social services such as education, health or financial support through microfinance institutions, which could better respond to survivors' daily needs (Cahn et al. 2010). To maintain their reparative impact, transformative reparations could be given a symbolic meaning through the explicit

recognition of the harm done to the victims, or by combining them with affirmative actions to benefit conflict survivors (Uprimny Yepes 2009).

Gendered transitional justice and its critiques

Over the last few decades there has been much attention to the different impacts of conflict on women and their role in conflict and peace (Clark and Moser 2001, Cockburn 1998, 2007, 2010, Enloe 2000, Skjelsbaek and Smith 2001). Nevertheless, attention to gender in the academic field of TJ is relatively recent (Vijayarasa 2013). The surge in academic interest in the effects of conflict on women was fuelled by the recognition of large-scale sexual violence in the conflict in Bosnia and the Rwandan genocide. The ICTY and ICTR played a crucial role in putting gendered TJ on the international agenda, through their ground-breaking jurisprudence of sexual violence as constitutive of genocide and crimes against humanity (Chappell 2014, Walsh 2008). These legal advances were accompanied by developments in international policy in what is now known as the ‘women, peace and security’ agenda. Women’s conflict-era experiences have become part and parcel of international debates about conflict and peace (Moyo 2012, Otto 2010). However, the framing of the ‘women, peace and security’ debate also reflects a tendency within ‘gendered’ analyses of TJ to understand gender as women, mainly translated into the inclusion of women and their specific experiences during conflict (Buckley-Zistel and Zolkos 2012, Meintjes 2009, Vijayarasa 2013). Since gender is a relational concept, a representation of gender as women results in a partial understanding of gendered TJ, which risks essentialising women’s experiences and reinforcing rather than transforming gendered inequalities.

Essentialising and sexualising women

The recognition of sexual violence as a serious gendered crime has led to the understanding of rape and sexual violence as a weapon of war (Duggan and Abusharaf 2006, Kirby 2013, Moyo 2012). It is now recognised that rape and sexual violence are used to control and intimidate enemy groups through the bodies of women, who are regarded as essential for the reproduction of culture. Sexual violence is also used as a tool for displacement, a form of torture, or as part of genocide. Sexual violence hence

has a clear political goal and forms part of a wider strategy of violence and intimidation (Boesten 2010, Enloe 2000, Kirby 2013, O'Rourke 2013).

This attention to sexual violence has been important, since although rape was known to be committed and considered illegal, for a long time it was not considered a serious enough crime to be prosecuted (Sjoberg 2016). It is however also one of the pitfalls of gendered TJ. First of all, the recognition of rape as a weapon of war risks obscuring other forms of sexual violence that women suffer, such as the invisible sexual violence suffered at home, forced prostitution or women's resort to sex work as a survival strategy (Boesten 2010). Moreover, although there is no denying the horror of sexual violence, a crime that needs to be addressed, and while it is true that women encounter different social, cultural and economic obstacles that prevent them from speaking about and being redressed for it (Borer 2009, Hayner 2001, Pankhurst 2008a), it seems like the sole goal of gender-sensitive TJ is to address sexual violence against women (Theidon 2007, Vijayarasa 2013). Recent studies have however pointed out that not all conflicts are characterised by large-scale sexual violence, an assumption that might therefore not be completely accurate, and downplays other forms of gender-specific crimes and suffering that are perhaps more widespread (Mazurana and Proctor 2013, Vijayarasa 2013). Sexual violence might moreover not be the war-time experience that women themselves consider to have had the most impact on their lives (Crosby and Lykes 2011, Nesiah 2006).

The prioritising of sexual violence against women results in creating a gendered victim hierarchy, considering only women who have suffered sexual violence as 'real victims', confining others to the role of witnesses about human rights violations committed to others, while their own stories get marginalised (Crosby and Lykes 2011, Franke 2006, Goldblatt 2006, Manjoo 2008). Reducing women's wartime experience to being victims of sexual violence entails a number of risks. Strikingly, although pushed forward by feminist activists and researchers in their struggle for the recognition of the gendered impacts of war, portraying women as sexual violence victims conflates with conservative and patriarchal understandings of gender and conflict. It draws on 'protective representations' of women as a vulnerable group in need of protection, viewing women's sexual subordination as 'the single site of their oppression' (Otto 2010, Sjoberg 2016). This essentialised identity of women as vulnerable individuals

unhelpfully zooms in on women's vulnerability, emphasising certain parts of their identity that speak to the human rights advocates' and public imagination and outrage (Otto 2010, Smith 2001). This leaves little space for a post-conflict identity that is not defined by having suffered sexual violence (Franke 2006). Such victimhood narratives therefore present an obstacle for redefining and negotiating women's citizenship (Kent 2016).

Since sexual violence has been reified as *the* gendered war experience, women might feel forced to talk about this experience in a certain way in order to better fit requirements for reparations or health and welfare services (Boesten 2010, Ephgrave 2015, Olujic 1995, Theidon 2007). The credibility of testimonies is often judged based on expectations of how a victim of sexual violence should behave. Adequately framed narratives and crying constitute key aspects of this 'performance' of sexual violence (Baines 2015, Franke 2006, Jeffrey and Jakala 2014, Sjoberg 2016, Theidon 2007). However, compelling women to break the silence about sexual violence can also result in their revictimisation in the process and their stigmatisation in patriarchal societies that consider them impure, 'non-virtuous' or promiscuous, blaming them for challenging the gendered foundations of power by speaking about this crime (Duggan and Abusharaf 2006, Olujic 1995, Ross 2010). Social, cultural and political norms have a strong impact on which crimes can be discussed in different locations and in what way (Crosby and Lykes 2011, Zarkov 2006). Changing these gendered norms is a difficult and long-term societal process (Kent 2014). Women's silence is often a form of protection for them and their families, while it can also be a way of dealing with pain. Therefore some silences should perhaps be respected rather than broken (Eastmond and Selimovic 2012, Kent 2014, Olujic 1995, Theidon 2007).

Inviting women to break this silence can make them feel used by 'transitional justice entrepreneurs' or journalists, who advance their career by portraying the suffering of particular groups without any tangible results for the women who testified (Olujic 1995, Sjoberg 2016). This raises questions about the motivations for the strong media attention for sexual violence: is this out of a genuine concern for the plight of women, or does it respond to a voyeuristic tendency and the general public's eagerness to hear or 'consume' stories of sexual violence as a form of entertainment and a way of feeling good for 'saving' these poor women (Crosby et al. 2016, Sontag 2003)?

Women's experience of sexual violence can also be used to represent the suffering of the nation's as a whole, objectifying them and making them part of a larger story of victimhood (Buckley-Zistel and Zolkos 2012, Franke 2006). Survivors can become part of a strategy of political manipulation, encouraging external intervention to save vulnerable women from the evil deeds of racialised 'Others'. This demonstrates how feminist struggles and TJ risk being hijacked by conservative neo-colonial policies and presented as a 'liberating' project (Butler 2006, Dhawan 2012, Sjoberg 2016).

The narrow focus or 'conceptual myopia' (Bueno-Hansen 2015) on sexual violence results in the failure to undertake a broader gendered analysis of conflict. This risks misrepresenting the complexity of women's wartime experiences, and neglecting their stories of resistance, resilience and agency, both during the conflict as well as in their post-conflict struggles to find truth, justice and reparations (Baines 2015, Björkdahl and Selimovic 2015, Crosby and Lykes 2011, Dal Secco 2008, Kapur 2002, Kent 2014, Nagy 2008, Ní Aoláin 2006, Theidon 2006). TJ therefore often fails to recognise and build upon changes in gender roles that take place during conflict, contributing to a return of women to their pre-conflict gender roles, which shows how in spite of temporary changes in gender roles, gender relations stay intact (Aguirre and Pietropaoli 2008, Zarkov 2006).

On the other hand, although it is recognised that women have been important actors in peacebuilding and TJ (Cockburn 2007, Korac 2006, O'Rourke 2013), attention to women's – potential – role in peacebuilding has often led to romanticised ideas about their 'superhuman capacity to overcome trauma' (Bueno-Hansen 2015: 99) and essentialisms about women's inherent peacefulness, associated with their role as mothers with natural caring and nurturing capacities (Cockburn 2001, Sjoberg 2016). Addressing women as mothers can reinforce patriarchal perspectives which see women exclusively in their reproductive role, risking not only their objectification but also suggesting they are in need of 'special protection'. This is unhelpful for increasing gender equality. It moreover ignores the possibility that women can be perpetrators of violence, including sexual violence, and thereby maintains dichotomies between men as perpetrators and women as victims of sexual and other forms of gender-based violence (Buckley-Zistel and Zolkos 2012, Charlesworth and Chinkin 2000, Sjoberg 2016, Skjelsbaek and Smith 2001, Zarkov 2006). These essentialised ideas about women's

roles make it difficult to address their multiple and specific needs, and overshadows the need for women's inclusion in society as fully-fledged economic and social actors (Aguirri 2012, Cornwall et al. 2007).

To disrupt the tendency to essentialise women or regard them as a homogeneous group, it is important to adopt an approach that is sensitive to the multiplicity and complexity of women's identities, roles and experiences, since these vary across women with distinct social, geographical, racial or other backgrounds. An approach that is often adopted to consider the ways in which women experience different sorts of oppression is intersectionality. This term was coined by Crenshaw (1989) to highlight the multidimensionality of the experiences of women of colour, and intended to place those most marginalised at the centre of research and policy in relation to discrimination. The term refers to the intersection of different structures of oppression and social divisions, thus avoiding the assumption of fixed identities or categorical groupings (Yuval-Davis 2006). The social divisions most commonly examined by intersectional theory are gender, race, ethnicity and class, although these can be expanded by other social markers such as age, disability, sexuality, nationality, etc. Although at first sight well-placed to analyse women's different experiences, intersectionality has received criticism for encompassing a seemingly endless list of axes of social oppression, thus easily becoming a 'catch-all' approach to feminist theory. Its tendency to analyse and give equal weight to multiple kinds of oppressions and difference puts it at risk of depoliticisation and losing sight of global power structures. This depoliticised form of intersectionality has become an approach for exploring differences and managing diversity, instead of the radical critique to liberal feminism it was envisioned to be (Salem 2016, Thornton Dill and Kohlman 2012).

Building on intersectionality's approach to difference among groups in terms of socio-economic, age, and other differences, in post-conflict situations it is also important to be sensitive to political divisions and differences in the experiences that people had during conflict. Perceptions about moral responsibility in conflicts, in terms of people's actions or inactions that consequently define them as victims or perpetrators, or differences in the way different conflict experiences are valued have also caused social divisions within conflict-affected communities. Several authors (Borer 2003, Bouris 2007) have argued for more nuance and the recognition of complexity in debates

about victimhood. Other authors from the fields of critical development studies, sociology and transitional justice (Brent 1997, Cleaver 2001, Cornwall 2000, 2003, Lundy and McGovern 2008) have similarly drawn attention to the risk of romanticising the unity of social groups which in spite of their assumed homogeneity are often characterised by divisions caused by political preferences or personal antagonisms. This lack of unity tends to be stronger in places affected by conflicts, since conflicts often reinforce already existing divisions or create new ones (Robins and Wilson 2015). Post-conflict situations can create new divisions, for example between those who stayed and those who fled, or with newcomers who did not experience conflict in the same place (Jenks Clarke 2001). A postmodernist approach to feminist theory allows for the complex analysis of these various power structures, analysing the gendered oppression that people experience but also allowing attention for other social identifiers such as ethnicity, class, age, sexuality, as well as the political and moral dimensions of survivors' experiences. This way postmodernist feminism allows for the disruption of the binaries that restrain thought and identity (Gannon and Davies 2012).

Men's gendered experiences of conflict

A narrow focus on sexual violence against women also neglects men's gendered experiences of conflict, as well as the relationship between masculinities and violence (Buckley-Zistel and Zolkos 2012). As the term's plural form suggests, there are different ways of being men, characterised by a hierarchy of masculinities. This competition between men for complying with an ideal standard of 'hegemonic masculinity' – the standardised image of those men who hold power, reflected by control over others, wealth and heterosexual sexual activity – can produce tension and anxiety for men, who constantly need to prove their masculinity through male-affirming practices (Baird 2015, Cleaver 2002, Connell and Messerschmidt 2005, Jones, A. 2006, Simić 2015). Masculinities originated as a field of study in the 1980s, and over the last decades the field has increased its attention to the link between masculinities, violence and conflict (Connell 2002).

Conflict and accompanying processes of militarism and militarisation create certain types of masculinity and femininity, based on a masculinised and militarised perception of security, in which women are seen as innocent, 'beautiful souls' in need of

armed protection by men as ‘just warriors’ (Enloe 2000, 2002, Sjoberg 2016). This particular male role loses importance when conflict is over, causing men to feel a loss of masculine status and power (Thomson 2002). In the case of South Africa the end of apartheid created a crisis of masculinities when once valued ‘struggle masculinities’ were no longer accepted. Their representatives often ended up on the wrong side of the law (Hamber 2007). But this ‘crisis of masculinities’ is also frequently a response to changes in gender roles that women have achieved during conflict while guaranteeing the survival of their families, leading some men to reassert their hegemonic masculinity and the subordination of women through a post-conflict backlash of violence against women (Barker 2006). This is reinforced by the emasculating effects of major social changes including poverty, unemployment, and crime, as well as the normalisation of violence in post-conflict societies (Cleaver 2002, Pankhurst 2008b, Sigsworth and Valji 2012). Long-term – economic – exclusion and marginalisation, often reinforced by conflict, can also produce forms of ‘protest masculinity’, for example in the form of gang membership as a way to gain access to assets of hegemonic masculinity such as money, women and guns (Baird 2015). These influences demonstrate that simply blaming men for violence is too easy, since behind the violence of some men – generally a minority – are social constructions of manhood that reinforce this behaviour (Barker 2005).

Within this gendered order, men are not only perpetrators. Sexual violence, often considered to be targeting only women (MacKinnon 1994), is also committed against men. Male sexual violence has however been insufficiently studied for falling outside of the imagined ‘rape victim identity’. A consequence of this is that in some contexts, men are not even eligible for reparations for sexual violence (Simić 2015). Silence about this crime is hard to break through for the shame and stigma attached to it, while hegemonic masculinities teach men to maintain silence in the face of suffering (Buckley-Zistel and Zolkos 2012, Clark, J. N. 2014, Simić 2015, Zarkov 2001). Sexual violence not only emasculates men through its association with homosexuality, but also by demonstrating victorious over subordinated and therefore feminised masculinities or even destroying reproductive capacities (Jones, A. 2006, Simić 2015). Sexual violence is also a method for socialising soldiers into aggressive masculinities, used as a tool for establishing internal hierarchies of dominant and subordinate masculinities (Bueno-Hansen 2015).

This shows that sexual violence should not just be seen as a crime of sex and power against women. Gendered power inequalities and societal stigma make sexual violence an identity-producing crime which aims to feminise its victims, be they women or men (Clark, J. N. 2014, Sjoberg 2016). Current depictions of sexual violence against women neglect this deeper gendered analysis and easily fall into dichotomies of male perpetrators and female victims. This risks producing race and sex essentialisms of both victim and perpetrator, creating an account of ‘brown women’ that need to be saved from ‘savage brown men’ by the ‘civilised’ West through prosecutions and other TJ mechanisms (Sjoberg 2016, Spivak 1988).

In reality, women are often attracted to characteristics of hegemonic masculinity and the material benefits and status these imply, which at the same time make them vulnerable to violence and abuse as gang members’ girls or camp followers (Baird 2015, Cockburn 2004, Enloe 2000). The image of the ‘mothers of soldiers’ has been a powerful symbol in the conflicts of the Balkans (Enloe 1998). This reflects how masculinities and femininities are often complementary and supportive of each other, demonstrating a more complex picture than the simplified notion of violent men and peaceful women. A study of masculinities within different guerrilla movements in Latin America demonstrated a more nuanced image of how these movements construct – temporary – gendered identities, based on the erosion of gender dichotomies (Dietrich Ortega 2012). This suggests the existence of more complex gender identities. Although it is often feared by feminists and women’s organisations that a focus on men and masculinities reduces attention and resources for the struggle for women’s equality and puts the gains made at risk (Cleaver 2002, Hamber 2007), failing to address masculinities in TJ mechanisms such as DDR processes jeopardises women in the long run, upholding violent masculinities that are harmful to women and little useful for men in civilian life (O’Rourke 2013, Theidon 2009). Gender-sensitive TJ should therefore combine a focus on women’s needs with attention to men and masculinities, since the plurality and fluidity of masculinities also makes them a potential avenue for change (Connell 2002, Hamber 2007, Sigsworth and Valji 2012, Theidon 2009).

The dichotomies underpinning transitional justice

As is evident from the above, TJ suffers from a series of dichotomies that limit its potential for dealing adequately with the effects of conflict. Beyond the dichotomy between male perpetrators and female victims, the earlier mentioned privileging of civil and political over social and economic rights violations also has gendered impacts. TJ's rather narrow focus on gross violations of civil and political rights in the public sphere, such as torture or extrajudicial execution, is based on male experiences of violence (Sigsworth and Valji 2012), and results in a tendency to leave issues of social injustice and socio-economic rights violations largely unaddressed. These issues, such as the loss of housing and belongings, or health and other everyday problems, tend to have a particular effect on women, who are often the principal carers in families and communities (Nagy 2008, Ní Aoláin 2006). Truth commissions and other TJ mechanisms tend to focus on 'exceptional' and 'spectacular' violence, such as sexual violence, and are often less interested in these everyday, subjective narratives, failing to understand their significance in terms of women's experiences of conflict (Crosby et al. 2016, Ní Aoláin 2012, Ross 2010, Theidon 2007).

The focus on the extraordinary moreover places the political and historical contexts that led to violence in the background (Baines 2015, Crosby et al. 2016). This reflects another dichotomy. While TJ focuses exclusively on conflict-era or political violence, peace or the cessation of political violence does not necessarily end violence against women (Duggan and Abusharaf 2006, Ní Aoláin 2006, Tabak 2011). When the unequal gendered power relations that instilled violent behaviour during conflict are left unaddressed in a peacebuilding process, including by TJ, this often results in domestic violence in the post-conflict situation (Ní Aoláin 2006, Tabak 2011). Women tend to experience a 'continuum of violence' which flows across public, private, local and international spaces, from peace to conflict to 'peace', and through social, economic and political areas (Cockburn 2004). TJ's distinction between conflict and post-conflict and public and private violence does not address this continuum (O'Rourke 2013, Sigsworth and Valji 2012, Tabak 2011). These other forms of violence, committed in private spaces and outside of the context of conflict, reflect the existence of a gendered hierarchy of violence in which certain types of violence are considered to be more serious than others (Charlesworth and Chinkin 2000, Hume 2007a, Kent 2014). As a

result, men tend to be the protagonists of TJ while women are only included as victims of sexual violence. This results in an ‘add women and stir’ approach (Charlesworth and Chinkin 2000) which fails to address the wider social and economic inequalities, and gendered power relations between men and women, which are a key factor causing sexual violence (Buckley-Zistel and Zolkos 2012, Moyo 2012, Ní Aoláin 2006, Sigsworth and Valji 2012).

Gender-just transformative reparations

Transformative reparations could play a role in disrupting these dichotomies and transforming gender relations. Therefore, they should not only address socio-economic inequalities, but also the underlying gender inequalities. As the ‘Nairobi Declaration on Women's and Girl's Right to a Remedy and Reparation’² identifies, reparations should go beyond and above the crimes and their impacts, addressing the structural inequalities that negatively shape women’s lives (Uprimny Yepes 2009). Also the ‘Cotton Field’ decision of the Inter-American Court of Human Rights has been crucial for the development of gender-just transformative reparations. This judgment indicated that in conditions where violations were committed in a context of structural discrimination, reparations should aim to transform this pre-existing situation (Rubio-Marín and Sandoval 2011). Otherwise, reparations risk returning women to the situation of structural discrimination they suffered before the conflict (Durbach and Chappell 2014, Lemaitre and Sandvik 2014, Uprimny Yepes 2009).

So far not much academic literature has looked into the particular ways in which reparations could contribute to more equal gender relations. Most authors (including Duggan and Abusharaf 2006, Rubio-Marín 2006) continue to view gender-sensitivity mainly through a ‘women’s lens’ instead of analysing more in depth how reparations can address more structural issues of gender inequality, much less touching upon the issue of masculinities. Research is so far mostly limited to conceptual discussions about how to include a gender – or rather women’s – perspective in the process of designing and implementing reparations, which harms against women should be included, and

² Declaration adopted in March 2007 by worldwide women's rights advocates and activists. Being a declaration, it is legally nonbinding but it has been valued for its insights into the concept of transformative reparations.

how to repair sexual violence (O'Rourke 2013). Some authors warn that badly implemented reparations can provoke violence against women (Borer 2009, Goldblatt 2006) or that they can reinforce patriarchal norms or revictimise women in the process (Rubio-Marín 2009b). Although new approaches of looking at reparations on the basis of webs of interrelated private and public harms are suggested to overcome the gendered hierarchy of crimes (O'Rourke 2013, Rubio-Marín 2009b), a strong focus on harm and therefore victimhood remains, again raising questions about the risk of reinforcing victimhood rather than promoting transformations. Few concrete examples, beyond apologies or institutional reform to abolish discrimination on the grounds of sex, are given of how reparations could actually contribute to the transformation of the 'structures of subordination that might have led to the violations' in the first place (Rubio-Marín 2009b: 7).

Some innovative and more recent suggestions might provide a starting point. These include promoting women's political participation and their full inclusion as social and political leaders, as well as enhancing women's security and economic autonomy (Durbach and Chappell 2014, Lemaitre and Sandvik 2014). The 'social services justice' suggested by Cahn et al. (2010) could be a way of expanding conceptions of reparations and justice, for example including measures that are crucial for women such as health care, education, skills training and opportunities for economic development, as well as access to land and financial resources (Durbach and Chappell 2014, Lemaitre and Sandvik 2014, Rubio-Marín 2009). These measures could link the immediate post-conflict transition period to long-term reconstruction, therefore not only compensating for past but also preventing future crimes (Cahn et al. 2010). Most of these suggestions are however not based on concrete empirical examples and often remain at a theoretical level.

The role and potential of reparations in contributing to attitudinal change is also little explored. Although it is suggested that reparations could be a tool for redistributing shame – a key aspect of the impact of sexual violence – from survivor to perpetrator (Duggan and Abusharaf 2006, Rubio-Marín 2012, Theidon 2007), it is unclear how this should be implemented. Perhaps society-wide educational programmes could be an instrument for this, in order to address gender inequalities, gendered constructions of masculinities and femininities and their relation to conflict and violence. The link

between education about gender equality and reparations seems to be an area so far largely unexplored by TJ literature or practice, whereas the relation between reparations and the need to address masculinities is not mentioned either.

Another area in which TJ and reparations could contribute to the transformation of gendered inequalities is land rights. Control over land is often related to the crime of internal displacement, which at its turn is gendered, since displacement is often closely related to gendered crimes such as the forced recruitment of men and boys into armed groups and – sexual – violence against women. Women moreover represent around 75% of internally displaced people (Céspedes 2010, Duthie 2011b, Hovil 2012, O’Rourke 2013). The link between TJ and internal displacement has not frequently been made, reflecting how forced migration was for a long time dealt with as a humanitarian rather than a political issue (Duthie 2011b, Hovil 2012). Land touches upon a key area of structural inequality, since being landless often condemns people to poverty, while customary and formal laws of marriage and inheritance in patriarchal societies often exclude women from land ownership (Huggins 2009, León 2011). Little has been written about land and TJ, whereas most reparations programs have so far not attempted to address land dispossession, limiting themselves to less far reaching measures such as compensation or rehabilitation (Huggins 2009). Although little information is available on the relationship between land and gender in Latin America, since feminist and women’s rights struggles have traditionally privileged issues such as sexual and reproductive rights and violence against women, it is estimated that women represent at most 25% of land owners (León 2011). This makes reclaiming land after displacement particularly complicated for women (Hovil 2012). Although the importance of land reforms and restitution as a way of – gendered – post-conflict peace building and reconstruction has been suggested (Arriaza and Roht-Arriaza 2008, Pankhurst 2008a), few empirical studies have been undertaken about this, with the notable exception of research in Colombia, which has however not focused on the lived experiences of beneficiaries of land restitution (Von Au 2013, Meertens 2015).

With very few exceptions (such as Crosby et al. 2016), there is a dearth of research about survivors’ gendered experiences of reparations, their needs in terms of the transformation of the structural and gendered inequalities underlying conflict, and the potential for reparations or other mechanisms to contribute to this. The empirical

analysis of the impact of reparations on gender relations has thus far not been addressed in an in-depth manner either. It remains unclear to what extent reparations can be expected to contribute to such long-term transformations, who decides what transformation of gender inequality looks like and when this is achieved. Some authors argue that the transformation of structural gendered and other inequalities is beyond the scope of transitional justice (Urban Walker 2016). Yet if social justice and wider socio-economic transformations are what survivors need most, TJ risks making survivors feel ‘duped’ if it fails to deliver upon the promises it makes (Crosby et al. 2016), especially when using the language of transformative reparations. TJ might therefore have a serious problem of expectation management – an issue to which I will return in Chapter 7.

Conclusion

As I have discussed in this chapter, transitional justice has been the subject of several debates that have questioned its top-down approach and lack of attention for local voices and ways of building peace, while also pointing at the risk of reinforcing victimhood instead of emancipation. Rather than dismissing it, these critiques have created new ways of thinking about TJ as a more transformative and long-term process, which is based on local participation and ownership, and also addresses the structural socio-economic inequalities that are among the root causes of conflict. Important work remains to be done in terms of the emerging gender debate and practice in TJ, which tends to be limited to sexual violence against women. This aspect of women’s conflict-era experiences has a particularly high risk of essentialising women, can cause revictimisation in patriarchal societies, while neglecting men’s gendered experiences of conflict. I therefore analyse the broader question of whether TJ can contribute to the transformation of gendered inequalities. In this sense, a more in-depth empirical analysis of the impact of reparations on gender relations is especially relevant, since reparations seem to be the most appropriate tool in transitional justice’s toolkit for producing transformations of structural inequalities. Conscious of TJ’s tendency to deepen processes of victimisation, I am also interested in analysing whether its focus on certain types of victimhood is compatible with the goal of addressing inequalities.

Colombia's 2011 Victims' Law presents an interesting empirical case study. This law provides a far-reaching programme for land restitution for people affected by internal displacement, together with individual and collective reparations, while providing for a gender perspective – at least on paper (Salcedo López 2013, Summers 2012). Therefore, in this research project I use the specific case of Colombia's Victims' Law to analyse how gender-just transformative reparations could be a means for TJ to contribute to the transformation of structural gendered inequalities. As an analysis from the survivors' viewpoint is largely missing, I focus specifically on the experiences, needs and expectations of survivors, identifying the potential gap between their experiences and needs on one side, and TJ theory and policy on the other. In the next chapter, I explain the context of the conflict in Colombia, providing background information about Colombia's TJ mechanisms and the specific location of my fieldwork.

Chapter 3. Transitional Justice in Colombia: transforming conflict and structural inequalities?

In this chapter I provide the background information needed for the analysis of the capacity of Colombia's Victims' Law to transform structural inequalities, particularly gender inequality. I first give an overview of the Colombian conflict, describing its root causes, main actors and consequences, as well as the most recent attempts to bring it to an end. I then explain the different TJ measures implemented in Colombia over the past decades, and how these have responded to the gendered impacts of conflict. This enables a first glance at the way gender is understood within the Colombian TJ institutions, which is crucial for the following chapters, which describe the Victims' Law's implementation in Chibolo. I finish the chapter by describing the location and context of my field research.

Conflict and violence in Colombia

Colombia has been the site of one of the world's longest internal armed conflicts. Only now, after more than five decades, peace has been signed with the FARC guerrillas, whereas the government's negotiations with the ELN have so far been unsuccessful. Curiously enough, concurrent with this Colombia has also been the longest running electoral democracy in Latin America, although plagued by corruption (O'Rourke 2013, Pearce 1990). It is one of the few Latin American countries with relatively stable economic growth from the 1940s onwards (Richani 2002). Yet in spite of this growth, a large part of its population has little or no access to resources and social services, due to their class, ethnic, gender or geographic origin (Dennis 2006). Evidence of Colombia's economic growth is especially apparent in large cities such as Bogotá, Medellín and Cali, while regional disparities are evident in terms of development and social services – suggesting the existence of two Colombia's marked by a large urban-rural divide (Hylton 2006, Pearce 1990). These contradictions set the stage for Colombia's curious and complex history of violence, peace building and TJ.

Traditionally Colombia's economy has been dependent on agriculture and mining. Social class divisions rose in relation to landownership, with a small elite of very rich landowners and cattle ranchers owning large areas of land, and a large group

of landless peasants, many of whom became squatters, occupying abandoned lands to achieve a means of subsistence. As rural oligarchies traditionally controlled the State, land reform – de jure or de facto – would mean loss of financial and political power for these elites. Landless peasants' search for land has therefore always been regarded as a threat, and generally responded to with violence (Reyes Posada 1987, Richani 2002, Roseberry 1993). As with many conflicts in Latin America, land has thus been at the root of violence in Colombia.

The conflict's actors

Although violence in Colombia ultimately can be traced back to independence, the most recent conflict started with a period known as '*La Violencia*' (1946-1958) with violent disputes between the Conservative and Liberal parties, fought out primarily in the countryside and causing over 200,000 deaths. This violent dispute ended in a power-sharing agreement between the two parties, which excluded the poor urban and rural population from decision-making, leaving the issue of land undecided while setting the precedent for subsequent bloody resolution of the agrarian question (Celestina 2015, Hylton 2006, Pearce 1990, Richani 2002). Influenced by the Cuban revolution, armed unrest over land between cattle ranchers and peasant land occupants continued, leading to the creation of several guerrilla groups who started a low-intensity insurgency in the 1960s (Chernick 2003, Pearce 1990). This way the previous inter-elite war became an anti-regime war (García-Godos 2013a). The Marxist oriented *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia – FARC) were formed officially in 1966 – having existed informally before. Consisting mostly of peasants, it was active in rural areas to defend peasants from landowners and the State. Women comprised around 30% of the FARC's members, although never with leadership roles. At its height, the FARC consisted of approximately 18,000 combatants, making it the largest ever guerrilla movement in Latin America (Pearce 1990, Richani 2002). The smaller *Ejército de Liberación Nacional* (National Liberation Army – ELN) was founded in 1964 and was originally backed by Cuba, with a more working-class membership and a lower representation of women. Although nearly defeated in 1973, it managed to regain ground and by 1998 had about 5,000 fighters (Richani 2002). Other smaller guerrilla groups included the *Ejército Popular de Liberación* (People's

Liberation Army – EPL) and the more urban focused M-19, most of whom demobilized in the 1990s (Burbidge 2008).

The emergence of these guerrilla groups is explained by Colombia's historically weak State, which was deeply committed to liberalism and therefore never an agent in development (Hylton 2006, Pearce 1990). It has historically backed the large landowners, blocking attempts of land reforms by more progressive presidents like Lleras Restrepo, who set up the *Asociación Nacional de Usuarios Campesinos* (National Association of Peasant Users – ANUC) to organise the peasants as a counterweight to landowning elites. ANUC later split and although one of its branches maintained its close relation to the government, the second branch, known as ANUC UR (UR standing for Unity and Reconstruction), continued independently from the government (Pearce 1990, Richani 2002). State presence was especially weak in the regions, which enabled the guerrilla groups to fill this void and function as a de facto State, levying 'protection taxes', imparting justice and providing other basic services (Chernick 2003, Hylton 2006, Pearce 1990, Richani 2002). In contrast to other Latin American countries, Colombia's army was relatively independent of the State, its relatively low resources principally spent on administrative issues and employing a strategy of low-intensity conflict as the guerrilla groups were not considered a serious security threat (Pearce 1990, Richani 2002). This only changed in the second half of the 1990s when the conflict's dynamics shifted due to the increased strength of paramilitary groups and increased military support from the United States as part of its war on drugs (Burbidge 2008, Richani 2002).

In the 1980s Colombia became a major player in the global drugs trade (Chernick 2003, Mantilla 2011). Drugs provided a source of income for all armed actors. The guerrilla movements started taxing drug producers and traffickers, protecting the coca growers and regulating the drug market (Mantilla 2011). As a result these groups hugely increased and modernised their fighting capacity and armament (Chernick 2003, Richani 2002). A further change was the emergence of a 'narcobourgeoisie' of newly rich drug traffickers who heavily invested in land. This intensified the already highly unequal land concentration at the expense of small peasants, with slightly over 1% of the population owning over half of the agricultural lands (Amnistía Internacional 2014, Richani 2002). Land was not only lucrative as a

money-laundering tool, but also because of its speculative value after the discovery of oil, gold and coal in the 1980s. Thus Colombia transformed from an agricultural society into an importer of agricultural products, instead focusing on the extraction of natural resources and aiming to attract multinational companies for their exploitation (Richani 2002). The ELN and FARC were increasingly involved in this new arena, taxing multinational companies and controlling territory and markets, and making them gradually lose sight of their original communist ideology (Meertens and Zambrano 2010, Taussig 2003). Moreover, the emergence of the drug economy corrupted the Colombian army, legislative system and Congress, as well as the banks, creating a strong ideological alliance between drug traffickers, landowners and army officers (Chernick 2003, Pearce 1990, Richani 2002).

The other key impact of the drug boom was the emergence of paramilitary groups, converting the conflict in a multipolar war (Chernick 2003). From the time of '*La Violencia*' onwards, Colombia has had a history of paramilitary groups (Chernick 2003, Taussig 2003). Their creation, officially permitted since 1965, enabled the army to rely on the paramilitary to prevent the return of the guerrillas, creating links between the army and paramilitary groups (Gutiérrez and Barón 2005). The strengthening of the guerrilla movements and the changed social composition of the landowning elites led to paramilitary self-defence groups formed by large landowners and narcotraffickers. Initially a network of separate groups protecting landowners and carrying out the army's 'dirty business', these paramilitary groups became increasingly organized, uniting in 1997 in the *Autodefensas Unidas de Colombia* (United Self-Defence Forces of Colombia – AUC). The AUC, especially strong in the north of Colombia, developed into a well-trained and professional military force, at its peak consisting of 30,000 members of which around 12% were women (Cockburn 2007, Richani 2002). Towards the end of the 1990s the AUC were responsible for 40% of all massacres, and almost 80% of other human rights violations, mainly targeting the peasant population. As a result, most of the violence occurred in rural parts of Colombia (Chernick 2003, García-Godos 2013a, Richani 2002). They financed their operations in similar ways as the guerrillas, taxing indiscriminately and controlling drug trafficking and other lucrative economic sectors as gold and cattle-ranching (García-Godos 2013a, Richani 2002).

The Colombian State's strategy of decentralisation, initiated in the end of the 1980s, gave local authorities more autonomy, thus making local government an important avenue for acquiring both financial and political power for the paramilitary, who co-opted local politicians by offering them support in return for influence (Mantilla 2011, Pearce 1990). This enabled the paramilitary to control local but also increasingly national politics, claiming to control 35% of the national Congress in 2002 (García-Godos 2013a). This became known as the '*parapolítica*' scandal, which involved over 1,000 politicians (Grupo de Memoria Histórica 2013). The paramilitary's ability to infiltrate Colombian society in the political, economic and social sphere, blurred the line between the paramilitary and the State in a phenomenon known as 'paramilitarism' (Taussig 2003, Theidon 2009). Having been officially forbidden since 1989, the paramilitary only demobilised in the 2005 Justice and Peace process described below (Burbidge 2008). Nevertheless, many demobilised paramilitary have reorganized in new paramilitary organisations called *Bandas criminales* or *Bacrim* – estimated to consist of up to 13,000 members, which continue to commit human rights violations in the ongoing struggle for control over land and natural resources (CODHES 2011, García-Godos 2013a).

Violence and displacement

In spite of several attempts to negotiate peace, for a long time none of the actors in Colombia's conflict were really interested in military victory. Instead, their main objective was gaining and maintaining economic and political control (Mantilla 2011, Richani 2002). Sadly, human rights violations were a means to achieve this, with the civilian population as its main victims. In the second half of the 1980s the level of violence drastically increased with the emergence of paramilitary groups and the professionalisation of the guerrilla movements (Pearce 1990). The total number of victims is unknown due to the lack of political will to register victims, and the complexity and length of the conflict. However, it is estimated that about 220,000 people (81.5% civilians, 18.5% combatants) died as a result of the conflict between 1958 and 2012 (Grupo de Memoria Histórica 2013) – although since the 1990s non-political homicide rates also increased considerably (Richani 2002). Around 27,000 people were kidnapped between 1970 and 2010, and approximately 25,000 people

forcibly disappeared between 1985 and 2012 (Centro Nacional de Memoria Histórica 2013). Although 1,754 cases of sexual violence have been registered (Centro Nacional de Memoria Histórica 2013), research by international organisations suggests that the real numbers are much higher (López 2013).

Forced displacement became a key tool for gaining access to land (Richani 2002). Around 5,5 million hectares of land were dispossessed, representing about 10.8% of the land used for agriculture and livestock in Colombia (Grupo de Memoria Histórica 2010). The high degree of informality in land tenure, with less than half of Colombian farmers possessing formal land titles, facilitated displacement and land grabbing (Amnistía Internacional 2014, Meertens 2009). It is estimated that around 5,7 million people were displaced between 1985 and 2012, of whom 4,7 million were displaced from 1996 onwards, coinciding with the most intense years of paramilitary activity (Centro Nacional de Memoria Histórica 2013). In 2012 this made Colombia the country with the second largest number of internally displaced people (IDPs) in the world (Summers 2012). According to official statistics included in the latest report of the Internal Displacement Monitoring Centre (2017), with over 7 million registered IDPs at the end of 2016 Colombia continues to be the country with the highest number of IDPs worldwide. This high number is the result of the very broad monitoring system used in Colombia. This system was put in place for the Victims' Law, in order to allocate reparations. As a result, these statistics define IDPs as those displaced at some point between 1985 and today. This includes IDPs who have returned or settled elsewhere as a durable solution, as well as those currently displaced. Therefore, it is impossible to know the exact number of IDPs at this moment in Colombia (Internal Displacement Monitoring Centre 2017).

Displacement, regularly incited by intimidation, selective killings, enforced disappearance, torture and sexual violence, created a massive move of farmers – almost 80% of displaced people were from rural areas – to the cities, where most settled in slums (Céspedes 2010, Grupo de Memoria Histórica 2010, Meertens and Zambrano 2010, Summers 2012). As described in more detail in Chapter 7, urban life was often difficult for farmers, who did not possess the appropriate skills. Displacement therefore meant the loss of work, housing, health and food, resulting in increased poverty, transforming people's political, social and economic practices (Amnistía Internacional

2014, Celestina 2016, Lemaitre and Sandvik 2016, Planeta Paz 2012). The social stigma attached to displacement for the alleged political affiliation to guerrilla or paramilitary groups created fear to denounce displacement. Therefore, most IDPs do not belong to victims' organisations (Lemaitre and Sandvik 2014).

Displacement also has clear gendered impacts. According to 2009 government statistics, women and children made up 83% of IDPs, whereas 43% of IDP families were headed by women (UNHCR 2009). Women often were even more vulnerable when displaced. This is because women's social bonds tend to be more focussed on the community and family, making them an easier target for social control, violence and – sexual – exploitation by paramilitary and other groups, while intrafamily violence against displaced women also increases (Hurtado Sáenz 2009, Meertens 2010, Wirtz et al. 2014). Gendered divisions of labour and women's lower wages made survival in the cities harder for women than for men, forcing them to do any type of work to survive, including sex work (Mesa de Incidencia Política de las Mujeres Rurales Colombianas 2015, Ruta Pacífica de las Mujeres 2013).

The Colombian government finally recognised the massive problem of displacement, officially recognising IDPs in 1995 (Celestina 2015). The provision of humanitarian aid for IDPs started with the adoption of Law 387 in 1997. This was however implemented by a plethora of badly coordinated local and national State institutions, through already existing poverty-alleviation programmes with no additional funding. Humanitarian assistance was generally limited to three-month food support and some household utensils, and proved insufficient to alleviate the humanitarian emergency or put an end to the problem of displacement itself (Lemaitre and Sandvik 2016, Peña Huertas et al. 2014, Sandvik and Lemaitre 2015). In 2004, the Constitutional Court issued decision T-025 which described the situation of massive displacement as an 'unconstitutional state of affairs', to which the Court has continued to draw attention ever since, amongst others through a civil society system to monitor the implementation of the public policies to respond to displacement (Amnistía Internacional 2014, Vidal-López 2012). From 2008 onwards this finally led to increased provision of humanitarian assistance (Lemaitre and Sandvik 2016). Nevertheless, displacement continues to take place in Colombia, with 224,000 new conflict-related displacements reported in 2015 and 171,000 in 2016 (Internal Displacement Monitoring Centre 2016, 2017), reflecting

the ineffectiveness of these policies and the recurring gap between law, policies and the reality on the ground.

Conflict and peace

Between 1985 and 2001 five presidents initiated – generally unsuccessful – peace negotiations with the guerrillas, leading to the demobilisation of several smaller guerrilla groups in the 1990s (Chernick 2003). One of those rounds involved an attempt by the FARC to participate in formal politics through the formation of the political party *Unión Patriótica* (Patriotic Union). Unfortunately this had disastrous consequences, as the UP was practically decimated after 3,000 of its members were killed or exiled by State and paramilitary groups (Chernick 2003, Laplante and Theidon 2006, Pearce 1990).

Serious peace negotiations finally started between the Santos administration and the FARC in 2012, accompanied by guarantor nations Cuba, Norway, Venezuela and Chile (International Crisis Group 2015). Almost four years of negotiations led to the signing of several partial and a final peace agreement on issues including victims' rights, the drug problem, political participation, integral agrarian development and security guarantees (Gobierno de la República de Colombia y Fuerzas Armadas Revolucionarias de Colombia 2016). Nevertheless, the Colombian population has shown itself relatively indifferent about the peace process – especially in urban areas which were less strongly affected by the conflict (Guardiola Rivera 2014). Santos's government had lost popularity as the peace negotiations took a long time, while ex-president Uribe, popular with the military and conservative groups in society, started a strong campaign against peace, criticising the government's leniency towards the guerrillas – who Uribe calls 'terrorists' (International Crisis Group 2015). Reminiscent of other Latin American countries (Theidon 2010), this framing of guerrillas as terrorists risks placing suspicion on the discussion of the social justice issues which originally inspired the guerrilla movements (Hylton 2006). The lack of interest in peace among the population was reflected by the October 2016 referendum on the final peace agreement, in which turnout was only 37%. The agreement was defeated by a narrow margin. A new, revised and amended accord was presented and approved by Congress by the end of November 2016 (International Crisis Group 2017). The upcoming peace process

foresees an ambitious TJ package, which I will return to below. Political support for the agreement is however weak, and the 2018 elections make its successful implementation unsure, especially given the popularity of Uribe and his party.

It is unclear if the peace deal will be effective in transforming the highly unequal distribution of land in Colombia and offer true peace and dignified living conditions for the conflict's survivors, the majority of whom are farmers from rural areas. The envisaged Land Fund is supposed to donate 3 million hectares of unused or unexploited lands, land seized in judicial processes and other lands obtained by the State to landless agrarian workers, prioritising female headed households and IDPs (Gobierno de la República de Colombia y Fuerzas Armadas Revolucionarias de Colombia 2016). Nevertheless, as we will see in the following section, in previous legal proceedings little land and other assets have been seized, while new paramilitary groups still have a strong interest in controlling land (Amnistía Internacional 2014, Centro de Memoria Histórica 2012). Moreover, the revised peace agreement includes stronger protection for private property rights for those who bought land in good faith (International Crisis Group 2017). Land reform is even more unlikely as the Colombian State has implemented neoliberal agrarian policies from the 1970s onwards (Reyes Posada 1987), actively promoting a model of development which focuses on large-scale agro-industrial production at the expense of small-scale farmers (Amnistía Internacional 2014).

Gendered transitional justice in Colombia

Before going into more detail about Colombia's exceptional TJ measures, it is important to mention that since the 1991 Constitution – one of the most progressive constitutions in the world (Hylton 2006) – Colombia's Constitutional Court has played an important role in the area of TJ (Grupo de Memoria Histórica 2013). As described before, it has repeatedly drawn attention to the situation of internal displacement in the country (García-Godos 2013b, Vidal-López 2012). Its 2008 decision 'Auto 092' emphasised displaced women's delicate situation and increased risk of suffering sexual violence and exploitation, forced work and the forced recruitment of their children. Auto 092 urged the government to create thirteen programmes to protect and assist displaced women, and it transferred 183 cases of sexual violence for investigation and prosecution. Unfortunately these programmes have never been implemented, making the significance

of Auto 092 mostly symbolic (Céspedes 2010, Lemaitre and Sandvik 2016, Mantilla Falcón and Uprimny Yepes 2009, Meertens 2010). Other Constitutional Court judgments have also called for the protection of women from sexual violence, and the gender-sensitive prosecution of these cases (Lemaitre and Sandvik 2014, Mantilla Falcón and Uprimny Yepes 2009). The flipside of the Constitutional Court's emphasis on sexual violence is that it has contributed to a 'hyper-attention' to sexual violence, which risks neglecting other gendered harms that women have suffered or their needs beyond the attention for this crime (Céspedes 2010, Lemaitre and Sandvik 2014, O'Rourke 2013). The result of this will become apparent in this thesis.

Unfortunately, the progressiveness of the Constitutional Court has not been matched by the political will or capacity of the State or the criminal justice system to effectively protect survivors' rights (O'Rourke 2013). Its work has moreover been obstructed by conservative popular perceptions about gender. These perceptions for example include resistance to what some conservative forces – including the Catholic and Evangelical churches as well as ex-president Uribe – call the 'gender ideology', which refers to the gender perspective promoted in the peace agreement but also in gender education. Certain groups believe this gender focus, which includes protection of LGBT rights, threatens traditional values such as the importance of the nuclear family (Semana 2016c).

The Justice and Peace Law: truth, justice and reparations?

In spite of repeated peace negotiations with the guerrilla movements, it was not until the administration of president Álvaro Uribe (2002-2010) – of a socio-economic and political background similar to many paramilitary leaders – that peace with the paramilitary was attempted (Burbidge 2008). This led to the AUC's demobilisation from November 2003 onwards. Meanwhile, negotiations about the terms of their reintegration continued. The paramilitary refused to be extradited to the United States, where they faced charges for drug trafficking (Guembe and Olea 2006, Laplante and Theidon 2006). In 2005 the Justice and Peace Law (Law 975) was signed, putting in place a process of disarmament, demobilisation and reintegration of armed groups. The AUC benefited most from this process since the guerrillas were still fighting, although individual members did demobilise (Burbidge 2008). By 2010 over 54,000 people had

demobilised, mostly through collective demobilisations. Those without pending criminal prosecutions and those accused of minor crimes were pardoned and could return to their places of origin, where they received economic, health and social benefits, as well as psychosocial support (García-Godos 2013a, Guembe and Olea 2006, Laplante and Theidon 2006). The remaining demobilised – 4779 persons in October 2010 – were subjected to the Justice and Peace Law (García-Godos 2013a). This law provided reduced justice sentences of five to eight years in return for collaboration in truth telling and reparations. In *versiones libres* (free versions) the demobilised were to confess the truth about their crimes (Burbidge 2008, García-Godos 2013a, Guembe and Olea 2006). In a final hearing, they were ordered to pay reparations to the victims.

Although the Justice and Peace Law aimed to reintegrate demobilised combatants while at the same time securing victims' rights to truth, justice and reparations (García-Godos 2013a), it was strongly criticised by victims' and human rights organisations for failing to protect victims' rights. A group of organisations challenged the law before the Constitutional Court, which strengthened its compliance with international human rights norms, allowing for a more rigorous investigation, and increasing the opportunities for victims' participation in all stages of the proceedings. The Court also increased incentives for truth-telling, by ordering that the reduced sentences would be converted into regular prison sentences³ if the accused were found to have told an incomplete truth (Guembe and Olea 2006, Laplante and Theidon 2006). Survivors' participation in the process has nevertheless been complicated, especially for IDPs who have often lost their identification documents and support networks and cannot afford the costs of travelling to the locations of the *versiones libres* (Chaparro Moreno 2009, O'Rourke 2013). Fear is also an important factor, especially with the reorganisation of paramilitary groups, while victim protection has been insufficient and only 9% of those participating benefit from the government's free legal defence service (Burbidge 2008, Chaparro Moreno 2009, International Crisis Group 2008, García-Godos 2013a, Laplante and Theidon 2006).

Although the Justice and Peace Law can be considered as a step forward compared to the previous blanket amnesties granted to demobilised guerrillas, its achievements in terms of justice are meagre. This is partly because of the general

³ Normal sentences range between 20 and 40 years for crimes like enforced disappearance or homicide.

weakness of the Colombian justice system, reflected in a 97% impunity rate (Burbidge 2008, Guembe and Olea 2006). The capacity of the Justice and Peace system, consisting of specific prosecutors divided between Bogotá, Medellín and Barranquilla, is insufficient to deal with over 125,000 registered victims, leading to extremely slow proceedings and few cases being concluded. In 2014, only 63 paramilitary had been convicted (Amnistía Internacional 2014, Chaparro Moreno 2009, García-Godos 2013a). The May 2008 extradition of fourteen paramilitary leaders to the United States on drug trafficking charges dealt a strong blow to the process, undermining the public perception of its legitimacy, especially since it was widely suspected that the real motive for extradition was to prevent further information about the *parapolítica* corruption scandal coming to light (Centro de Memoria Histórica 2012, García-Godos 2013a). Some paramilitary leaders felt betrayed by the government's decision and stopped participating in the process altogether (Aponte-Cardona 2008, Centro de Memoria Histórica 2012).

The general perception is that the Justice and Peace process has only managed to establish a superficial truth. Few of the demobilised paramilitary made confessions about the full scope of their responsibility. For example, little information was obtained about their role in the massive displacement, or about the economic and political links between the paramilitary, the drug business, and third actors such as – multinational – companies (Centro de Memoria Histórica 2012, Comisión Colombiana de Juristas 2007, Guardiola Rivera 2014, International Crisis Group 2008, O'Rourke 2013). The Justice and Peace Law's record in terms of reparations has also been disappointing. A Reparations Fund was created, consisting of properties handed over by demobilised paramilitaries, public resources and national or international donations (García-Godos 2013a, Guembe and Olea 2006). Nevertheless, in practice few paramilitary offered to return their assets, and there is no strategy in place to identify and demand these (Centro de Memoria Histórica 2012, Corporación Humanas 2015). Out of 300,000 claims for reparations, only three cases had reached the reparations stage by 2013 in the Justice and Peace Law Process. The required process of conciliation with the perpetrators implied an additional burden for the victims (Meertens 2009, Cole and Murphy 2011, O'Rourke 2013). In 2008 the State therefore created a parallel administrative reparations programme. This programme, implemented by government agency *Acción Social* was

much more effective. By October 2010 it had repaired over 20,000 survivors with between 27 and 40 monthly salaries – transferred in a one-off payment (García-Godos 2013a). Nevertheless, of the reparations implemented between 2009 and 2011, women formed only 13.62% of the beneficiaries, even though they comprised 87% of claimants (O’Rourke 2013, Salcedo López 2013). Only 0.1% of reparations were paid to survivors of sexual violence (O’Rourke 2013).

Recognising these flaws, the Justice and Peace Law was modified in 2012, prioritising the investigation of the most responsible paramilitary leaders and specific crimes, including sexual violence (Corporación Humanas 2015). Nevertheless, as of August 2015 only five sentences included gender-based crimes. The progress in these sentences has largely been thanks to women’s rights organisations, whose lobby actions pushed for the recognition of sexual violence as part of the military strategy (Chaparro Moreno 2009, Corporación Humanas 2015, O’Rourke 2013). The failure to transform militarised masculinities of demobilised combatants is another weakness of the Justice and Peace process. This is reflected in the fact that seven out of ten households headed by demobilised combatants suffer domestic violence, trading public for private violence (Tabak 2011, Theidon 2009), echoing the post-conflict backlash of violence against women described in Chapter 2. There was no adequate attention for the specific needs of female demobilised combatants either (Tabak 2011), or to involving communities which have to learn to live with demobilised combatants (Caicedo 2009, Laplante and Theidon 2006). These are lessons for the upcoming demobilisation and reintegration process with the FARC.

The Victims’ Law: land restitution and reparation during conflict

The meagre results of the Justice and Peace Law, especially in regards to survivors’ rights, resulted in the 2011 adoption of Law 1448 of Victims and Land Restitution (known as the Victims’ Law), which in contrast to Law 975 explicitly recognised the existence of victims in Colombia (Guembe and Olea 2006, O’Rourke 2013). President Santos publicly declared that the Victims’ Law showed that Colombia was willing to pay a long overdue moral debt to the conflict’s victims (Forero-Niño 2012). The Victims’ Law is widely recognised to be one of the most ambitious and complex reparation programmes worldwide. The government has publicised it with little

modesty. Its promises of transforming survivors' lives by providing them with new life projects have generated high expectations (Portilla Benavides and Correa 2015).

The Victims' Law combines land restitution for the thousands of people who were displaced after 1991, with humanitarian assistance and individual and collective reparations for all victims of conflict-related acts by the guerrilla, paramilitary or State after 1985, including spouses and – same sex – partners or first degree family members of those killed or disappeared (Forero-Niño 2012, Meertens 2015, Summers 2012). The inclusion of land restitution is important, since this had been a central demand of IDPs. The Victims' Law turned them from the humanitarian category of IDPs into 'victims', who could claim rights to truth and reparations in contrast to the ineffective humanitarian assistance of before (Hovil 2012, Jiménez Ocampo et al. 2009, Sandvik and Lemaitre 2015). Over seven million people, of whom over 85% are IDPs, have been registered in the Unified Victims' Registry that was created by the law (Amnistía Internacional 2014, Portilla Benavides and Correa 2015, Rettberg 2015). The law entered into force in January 2012, creating a complex system composed of newly trained land restitution judges and magistrates and various new institutions, including the Unit for the Attention and Reparation of Victims (Victims' Unit – VU) with 20 regional offices, the Land Restitution Unit (LRU) with 21 regional offices and the National Centre for Historical Memory (NCHM), together forming the National System for the Integral Attention and Reparation of Victims – SNARIV after its Spanish acronym (Amnistía Internacional 2014, Portilla Benavides and Correa 2015). The law also created different municipal and departmental committees and participation spaces to coordinate local and regional reparation plans and recognise and listen to the survivors' perceptions on them (Portilla Benavides and Correa 2015). The law establishes that separate policies will be developed for victims of indigenous, Afro-Colombian, Roma or other minority ethnic backgrounds (Ministerio del Interior y de Justicia 2011).

The Victims' Law shows considerable advances in comparison to the Justice and Peace process. One of its key aspects is land restitution, which consists of an administrative, judicial and implementation phase, described in more detail in Chapter 6. It includes crucial regulations to protect its beneficiaries. For example, if no original land titles existed, alternative evidence such as testimonies and social maps can be used

to prove claimants' link to the land against opposing claims from other occupants (Meertens 2015, Von Au 2013). In some cases these so-called second occupants are small-scale farmers who might themselves have been displaced from elsewhere, while in other cases they are large landowners or agro-industrial companies (Meertens 2015). The lack of consent to abandon or sell the land is assumed, placing the burden on opposing parties to prove that they acquired the land *de buena fe* (in good faith). This is however likely to be relatively easy for powerful large-scale companies before local judges who often proved to be corrupt in the past (Meertens 2015, Benjumea Rua and Poveda Rodríguez 2011, Summers 2012). Moreover, in the case of land now used for agro-industrial projects, the claimant can be made to sign a contract with the new occupant, and will instead receive a wage for the use of the land (Amnistía Internacional 2014). This raises questions about the government's priorities, suggesting that its agrarian policy might prioritise other 'development' goals over land restitution. This was reflected by its 2010-2014 Development Plan, which prioritised mining over traditional forms of agricultural production (Gutiérrez Sanín 2013, Planeta Paz 2012). Moreover, even though land restitution is a progressive and rare measure of TJ, if land distribution was unequal to start with, restitution offers no solution to the historical and structural inequality (Amnistía Internacional 2014, Saffon and Uprimny 2012).

The law faces several challenges. One of the most serious concerns with respect to land restitution is the safety of the land claimants. In 2013, 400 threats against land claimants were reported, while the creation of 'anti-land restitution armies', some of whom linked to paramilitary groups, was reported on several occasions (Benjumea Rua and Poveda Rodríguez 2011, Meertens 2015, Semana 2016a). By August 2014, at least 35 people had been killed in relation to the land restitution process, while safety has also been a concern for the land restitution judges and magistrates (Amnistía Internacional 2014). The security risks might even be greater for women and their organisations, as their public demands of land restitution and reparation are regarded as transgressing gender roles by conservative groups in Colombia's patriarchal society (Lemaitre and Sandvik 2014, López 2013). The other main concern about the land restitution process is the pace of its implementation. In spite of high expectations, so far institutional capacities have proved insufficient to meet the demand for land restitution. According to various persons involved in the process, this is due in part to insufficient financial and

human resources, the unexpectedly strong opposition against land restitution, and the fact that the complicated institutional framework for land restitution had to be up and running within six months after the Victims' Law's approval, which meant that many policies and methodologies were invented along the way (Interviews with the researcher 21 December 2015 and 6 April 2016). Even though the number of land restitution claims has been much lower than expected, 90% of restitution claims were still pending in 2015, four years after the law's adoption (Amnistía Internacional 2014, Rettberg 2015). As of March 2014 54,886 land claims had been presented, of which only 28.8% had been included in the registry of abandoned land, as most of the claims referred to land in zones that had not yet been identified as restitution zones. By that time, 372 land restitution sentences had been reached (Balaguer Soriano 2015). It has been calculated that at this pace meeting the goals set by the land restitution process will be impossible within its ten-year mandate (Gutiérrez Sanín 2013).

The post-restitution phase presents another challenge, as there is no effective system to monitor and follow-up on the implementation of the land restitution sentences, which involve a plethora of local and national-level institutions to implement projects to make restitution sustainable and provide decent living conditions (Meertens 2015). To complicate matters even more, the *Instituto Colombiano de Desarrollo Rural* (Colombian Institute for Rural Development – Incoder), the institution responsible for allocating the land titles, was dissolved in December 2015. Its successor *Agencia Nacional de Tierras* (National Land Agency) had not started functioning as of July 2016 (Verdad Abierta 2016). Moreover, if insufficient additional measures are implemented to guarantee the productivity of the land – as is discussed in Chapter 7 – it is unclear how sustainable land restitution will be, especially as the Victims' Law allows for the land to be sold two years after its restitution (Amnistía Internacional 2014, Benjumea Rua and Poveda Rodríguez 2011).

Unfortunately, the reparations implemented under the Victims' Law, which supersede and expand the 2008 administrative reparations programme, seem to fare little better. The envisioned reparations – whose procedures and measures are described in Chapter 6 – are comprehensive and include higher amounts of compensation than the previous programme. It is considered to be one of the most visionary, complex and integral reparation programmes worldwide (Forero-Niño 2012, Sikkink et al. 2015). Yet

in spite of its comprehensiveness, most effort has so far been made in terms of compensation, with the rehabilitation measures slow to take off (Sandvik and Lemaitre 2015). This undermines the transformative impact of reparations, as compensation by itself has not proven sufficient to structurally transform the lives of survivors, 97.6% of whom live below the poverty line (Portilla Benavides and Correa 2015). Although the Victims' Unit has repaired a much higher number of victims than the previous programme by compensating 426,000 victims in the first four years of its functioning, the high number of victims registered in Colombia means the VU needs to either increase its pace or extend the law's mandate (Sikkink et al. 2015). This requires a well-oiled machine with a highly trained staff and sufficient funding for institutional functioning and the Reparations Fund that was established by the Justice and Peace Law. This is not yet a reality. A serious political and financial commitment is therefore needed to sustain this ambitious reparation effort (Portilla Benavides and Correa 2015, Sikkink et al. 2015). A change in government might pose risks in this sense.

Whereas research about the implementation of the relatively recent Victims' Law is limited in general, even less information is available about the implementation of collective reparations. So far, 303 groups have been identified as subjects of collective reparations, including national and regional cases, such as women's organisations, peasant organisations and communities, and trade unions. The VU's goal is to elaborate a total of 280 collective reparations plans by 2014 and 833 by 2021. By the end of 2014, 88 collective reparations plans had been formulated (Sikkink et al. 2015). Collective reparation measures, which can be material or symbolic, should be aimed at the recognition, dignification and social inclusion of these collective subjects, through a 'transformative and differential focus' (Brett and Malagon 2013, Lemaitre and Sandvik 2014). Collective reparations are coordinated by the Victims' Unit but also envision an important role for the survivors themselves, through the participatory elaboration of the harms diagnoses and collective reparation plans and the creation of community steering committees (Brett and Malagon 2013), described in more detail in Chapter 6. Nevertheless, although the VU has clear objectives in terms of the elaboration of reparation plans, it does not include a time frame or limit for the implementation of the collective reparation measures. No collective reparation plan had been fully implemented by 2015 (Sikkink et al. 2015).

Although Colombia has so far not implemented a truth commission, the seeking of truth and historical memory has played an important role throughout its TJ measures, and even before that, with several commissions in 1958 and 1987 investigating episodes of violence. The Historical Memory Group, created in 2007 as part of the Justice and Peace Process, produced a wealth of reports as a form of symbolic reparation for the survivors and as a means to preserve the country's history (Jaramillo Marín 2015, Weber 2016a). The Victims' Law turned the Historical Memory Group into the NCHM (Ministerio del Interior y de Justicia 2011). This gives historical memory a prominent place within the reparation process. Importantly, the NCHM's vision recognises the existence of multiple memories of the conflict, and the need to include diverse actors and populations in order to contribute to integral reparation (Centro Nacional de Memoria Histórica 2014).

The final peace accord which was approved in November 2016 provides for the strengthening of the Victims' Law to respond to the new context created by the peace accord, on the basis of a participatory process of discussions and consultations with survivor and other stakeholders. The FARC moreover pledges to contribute to the victims' integral reparations. The accord also provides for the creation of a Commission for the Clarification of the Truth, Coexistence and Reconciliation, a Unit for the Search of Disappeared Persons, and a Special Jurisdiction for Peace which will provide amnesties and reduced prison sentences for the perpetrators of political crimes among State and FARC (Gobierno de la República de Colombia y Fuerzas Armadas Revolucionarias de Colombia 2016). Unfortunately, as is apparent from the above, Colombia has a history of designing ambitious and progressive TJ programmes which often fail to make good on their promises. Unsurprisingly, the current peace process soon faced its first hurdles, as the government did not manage to provide the logistical arrangements for FARC's entering the demobilisation zones in time, causing concern among the international community (Semana 2016b). Civil society organisations spoken to in May 2017 expressed concerns that their opinions were no longer being taken into account by the government, coupled with a decline in funding, since after the signing of the peace accords international donors mostly give their funds directly to the government rather than to civil society (Informal conversations 23 and 24 May 2017). This suggests how TJ can also be used as a smokescreen to paint an image of peace and

stability while shifting attention away from the continuation of violence and the State's inability to structurally alleviate poverty and combat inequalities (Sandvik and Lemaitre 2015).

Gender-sensitive transitional justice

Article 25 of the Victims' Law states its intention to provide victims with reparations in an 'adequate, differential, transformative and effective way'. Its transformative focus, described in the Decree which sets out the Victims' Law regulations, aims to 'eliminate patterns of discrimination and marginalisation' and 'take actions towards the deepening of democracy and the strengthening of the capacities of persons (...) to recover civic trust in the institutions' (Ministerio de Justicia y del Derecho 2011). Its 'differential focus' provides measures to counter the situation of vulnerability of certain groups of victims due to their age, gender, sexual orientation and disability, to protect their rights and enable their participation (Ministerio del Interior y de Justicia 2011). Together these two perspectives ostensibly show the State's willingness to not only protect and attend women or other 'vulnerable groups', but actually implement measures to address the causes of this vulnerability.

Although it is positive that the law's differential focus does not separate gender from other axes of inequality, as this enables a wider analysis of structural inequalities, at the same time it risks overlooking gender as a specific cause for discrimination. The Land Restitution Unit has a 'Social Unit', which deals with all sorts of issues related to gender and the participation of survivors. In terms of gender, the differential focus is largely translated in the prioritisation of female heads of household, women who suffered sexual violence, and women's access to issues such as credits, training and other social security benefits (Ministerio del Interior y de Justicia 2011). It was however not until 2013 that the Land Restitution Unit started to implement its 'women's programme', to promote the participation of women as land claimants within the judicial phase of the land restitution process, through measures to support and protect women and gender training for the involved personnel and judges. The LRU later developed a second phase of this programme to address the post-restitution phase, since the coordinator of the Social Unit recognised that the implemented productive projects tended to prioritise men's agricultural work, leaving the women dissatisfied as they had

no say about which project could benefit them too (Interview with the researcher 29 October 2015). This however created a challenge for the LRU, as they realised that implementing projects that benefit both men and women would challenge gender relations, causing men to feel threatened by women's empowerment:

‘There it's a bit of fighting with a cultural issue again, very difficult. So we said: no, let's design a specific programme line, only for women. (...) Of course the male head of household will be addressed, so let's do something specifically for the women, where they can also say ‘I would like to work in handicrafts, or I would like to cultivate a specific crop’. (...) Because we don't want to cause fights between the husband and wife, you know?’ (Interview with the researcher 29 October 2015).

It is not clear how the LRU will connect this specific programme for women with its work with and projects for men and the wider communities. This would be crucial to actually transform gender roles and inequality and combat possible backlashes in response to women's increased autonomy.

A key aspect of the gendered dimensions of land restitution is the fact that land titles are allocated to both men and women. This could constitute a clear transformative measure for women, as land titles – if they already existed – used to be overwhelmingly in men's names. This reflected a patriarchal social understanding that land belongs to men. Men's activities were seen as proper agricultural work, whereas women's agricultural activities such as caring for farm animals or vegetable gardens were valued less (Meertens 2015, Planeta Paz 2012). Although there is no denying the importance of the fact that women are now formal landowners, since this can make significant improvements in their social and economic security in case of divorce or their husbands' death, it is not accompanied by measures to change the patriarchal understanding and discourse of land ownership in communities or the State, as I will explain in more detail in Chapter 8 (Balaguer Soriano 2015, Meertens 2015). The lack of indicators in terms of gendered land titling and information about the post-restitution phase moreover makes it hard to measure gendered changes in terms of land ownership (Balaguer Soriano 2015, Wiig and García-Godos 2015). Changes in gendered relationships to the land might moreover be generational and therefore hard to measure in the short run anyway.

The gender focus of reparations is directed by the Victims' Unit's ‘Women's and Gender Group’, and guided by a national level policy for the protection of the rights of

female conflict victims⁴, which was adopted in 2013. But its budget mainly comes from the budget for the implementation of Auto 092, whose implementation is meagre in itself (Balaguer Soriano 2015, Wiig and García-Godos 2015). So far, it seems to be translated mainly in higher numbers of women in rehabilitation and particularly mental health activities (Consejo Nacional de Política Económica y Social 2013, Portilla Benavides and Correa 2015). The VU's flagship strategy on gender focuses specifically on the reparation of victims of sexual violence, only attending women. Although the leader of this programme recognised that there are also cases of sexual violence against men or LGBT persons, these are not addressed by this programme. The strategy provides victims of sexual violence with symbolic reparation measures designed and implemented by the women themselves, such as ceremonies, rituals or artistic activities (Interview with the researcher 25 January 2016). Although there is no doubt about the importance of this work for the survivors, it is unclear what its impact is on the wider society, for example through transforming the stigma that is attached to sexual violence, or addressing the structural gendered inequalities that provoke sexual violence.

In terms of gendered collective reparations, the VU works on ten cases of reparation of women's groups. It is unclear what the selection criteria were. Nevertheless, according to the Director of the Reparations Area of the VU, they are only now experimenting with a methodology to apply a 'differential focus' to mixed collective reparation processes (Interview with the researcher 25 January 2016). This means that the processes that have been initiated since the adoption of the Victims' Law in 2011, spanning over four of its ten-year mandate, were not implemented with a specific methodology that promoted women's participation in the collective decision-making. This could for example be achieved by working in smaller groups to make women feel more confident about voicing their opinions. The local personnel of the VU whose work I witnessed had no clear understanding of the content or implementation of the differential focus either, reflecting a wider trend among personnel of the VU and LRU, especially at the local level (Portilla Benavides and Correa 2015).

The Victims' Law's differential focus is therefore translated into measures to protect women and promote their formal participation, mainly through humanitarian assistance and welfare measures, instead of efforts to increase women's autonomy,

⁴ Conpes 3874 gives guidelines for public policy to prevent risks, protect and guarantee the rights of women victims of the armed conflict.

agency, organisation and decision-making capacity, which could contribute to transforming gendered inequality (Balaguer Soriano 2015). Addressing the gendered impacts of conflict often boils down to a focus on women as victims of sexual violence (Theidon 2009), who are not just victims of violent conflict but also of a patriarchal system that targets their sexuality as main point for doing harm. This involves the risk of reducing women to an even more vulnerable group, resonating with the ‘protective representations’ described in Chapter 2 (Kapur 2002, Otto 2010). Historical memory processes in part respond to this logic too, although there are some important exceptions in the work of Colombia’s historical memory institutions, for example looking at masculinities or female combatants, but also at female peasants’ struggles for autonomy and land (O’Rourke 2013, Wills 2009, Grupo de Memoria Histórica 2010), making the NCHM the most ‘gender conscious’ among Colombia’s TJ institutions. Women’s organisations in Colombia, in spite of having undertaken important work such as a comprehensive ‘women’s truth’ report (Ruta Pacífica de las Mujeres 2013), often respond to this same logic of focusing on women’s role as victims, especially of sexual violence. Some women’s organisations have played a public role in protesting the war, emphasising women’s roles in peacebuilding, but often with a tendency to essentialise and romanticise women and their special role as mothers (Cockburn 2007, O’Rourke 2013). The understanding of gender as women is practically unchallenged.

The tendency of treating women as vulnerable group is reinforced by Colombia’s 1991 Constitution, which created the concept ‘subject of special protection’, for groups who ‘due to their economic, physical or mental condition are in a clear state of weakness’ (Peláez Grisales 2015). Women are included as subjects of special protection, together with groups such as indigenous peoples, the elderly and young people. Therefore, attention is placed on the need for protection, rather than the need to address the underlying inequalities. It should be mentioned that small-scale farmers (*campesinos*) as a social group are not included as a subject for special protection, even though Colombia has one of the world’s highest indices of rural inequality and exclusion – with 0.4% of landowners possessing 61% of all titled land in 2004 (Hylton 2006) – and farmers and people from rural areas have borne the brunt of Colombia’s conflict (Peña Huertas et al. 2014). That the government is interested in a different type of ‘agricultural development’ than small-scale farming as described above makes it

particularly hard for farmers to recover from the consequences of conflict. This builds on the historic ‘anti-*campesino* bias’ which has been pointed out by several authors (Gutiérrez Sanín 2015, Peña Huertas et al. 2014), and which has resulted in their being structurally disadvantaged by laws and public policies.

Researching the Victims’ Law in Colombia



Image 1: Big map: Chibolo within the Magdalena department. Small map: Magdalena within Colombia.

This description of the conflict and TJ in Colombia helps to understand the context of my research. My fieldwork took place in two small *veredas*⁵ in the municipality of Chibolo, located in the centre of the Magdalena department in Colombia’s Caribbean coast (see Image 1, and see Appendix 5 for more detailed maps). The Caribbean coast has a strong tradition of cattle farming. After many small-scale farmers had been expelled by powerful cattle ranchers, a process of land invasions took place in the 1970s. In this period, 2000 *haciendas*⁶ were invaded by landless peasants, often accompanied by peasant organisation ANUC in an attempt to claim

back the lost land, as the ‘land is for those who work on it’ (Grupo de Memoria Histórica 2010, Hylton 2006, Reyes Posada 1987). This made the

Caribbean coast one of the regions with most conflicts over land in the 1970s and 1980s (Reyes Posada 1987). The villages where my research took place were formed through land occupation between 1980 and 1984. They were called La Pola, consisting of approximately 3050 hectares, and La Palizua, of approximately 3005 hectares (Planeta Paz 2012). They are currently inhabited by approximately 120 and 200 families

⁵ *Veredas* are subdivisions of municipalities, generally comprising small communities in rural areas.

⁶ A *hacienda* is a large, generally agricultural, estate.

respectively, most of whom are involved in the land restitution process. These families are of a *mestizo*⁷ ethnic background.

In the 1990s, this area became a stronghold of the paramilitary *Bloque Norte*, led by Rodrigo Tovar Pupo, alias Jorge 40. This region provides one of the best examples of the collaboration of paramilitary, narcotraffickers and political bosses (Hylton 2006). Magdalena was of paramilitary interest because of its geostrategic importance, since its central location in the Magdalena department made it economically interesting because of large-scale cattle farming, while access ways to other departments and the coast facilitated the transport of arms, drugs and other commodities such as oil and coals (Centro de Memoria Histórica 2012, Planeta Paz 2012, Richani 2002). This led to massive displacement and usurpation of land in Chibolo, 17 of its *veredas* and about one third of its population being displaced (Verdad Abierta n.d.).

After initially battling some relatively small and weak guerrilla groups in the area, the paramilitary gathered the people of La Pola on 28 June 1997 and La Palizua on 15 August of the same year (Planeta Paz 2012). The communities were told to leave within a week, as their land would be the scene of conflict. After several selective killings in both communities, fear took hold of the people and they left as soon as they could, taking with them whatever they could (Grupo de Memoria Histórica 2010, Weber 2016b). The villagers scattered throughout the Caribbean coast, some even crossing the border to Venezuela. In the meantime, La Pola's community centre served as the paramilitary base of command, whereas the paramilitary used parts of La Palizua for an agricultural forestry project. The land was also used for cattle grazing, as cattle formed part of the paramilitary war booty and their post-conflict project. The paramilitary brought in sympathisers and accomplices to live and work on the land to keep it occupied. This pattern corresponded to the common scenario of paramilitary displacement (Richani 2002).

Jorge 40 not only wanted military, but also social and political control. To implement this strategy, the paramilitary infiltrated State institutions such as justice and security institutions and Incofer throughout the coast. Several pacts were signed between the paramilitary and local politicians, including the *Pacto de Chibolo*, signed in September 2000 and leading to the election of senators and members of the Congress

⁷ *Mestizo* refers to a mixed European and indigenous background. The majority of Colombia's population is of *mestizo* ethnic origin.

favourable to the paramilitary. This led to an immense structure of corruption throughout the region which not only enabled the paramilitary to legalise the stolen land, but also promote the adoption of laws and policies to protect and enhance their economic and political interests (Grupo de Memoria Histórica 2010). The effect of this paramilitarism was also apparent in Chibolo. Although a small percentage of the people in La Pola had received land titles in 1994, these titles were annulled and adjudicated to accomplices of Jorge 40 in 2003. In 2011, the Supreme Court ordered Incoder to repeal these new land titles, and the then head of Incoder has been detained for this as part of the Justice and Peace process. The computer of Jorge 40 turned out to provide key evidence for proving this large-scale corruption (Centro de Memoria Histórica 2012, Grupo de Memoria Histórica 2010).

It was only in 2007, after the paramilitary had demobilised, that the people of La Pola and La Palizua started returning, in a so-called ‘voluntary return’ without accompaniment by the State. Most of those who returned registered as victims in the Justice and Peace process in the same year (Verdad Abierta n.d.). Throughout 2008, the people experienced various violent evictions by the police, until their right to be on the land was finally recognised (Planeta Paz 2012). They found their land quite changed after ten years of paramilitary occupation, their houses burnt down, the divisions of the land in *parcelas*⁸ undone, and sophisticated irrigation and water systems installed and subsequently destroyed by the paramilitary. The communities still lack basic services such as adequate health care, education, electricity and water, while the access roads are unpaved and become practically inaccessible in the rainy season (Centro de Memoria Histórica 2012, Weber 2016b).

The government agency *Acción Social*, which was responsible for providing attention to IDPs in Colombia since the 1990s and would be transformed into the *Departamento de Prosperidad Social* (Department for Social Prosperity or DPS) by the Victims’ Law (Rettberg 2013), started working in Chibolo in 2009, implementing a pilot project to physically and legally identify the dispossessed lands. This programme started collaborating with the Ministry of Agriculture in the *Plan de Choque*, which aimed to prepare for land restitution in several pilot cases (Acción Social 2010). These programmes enabled the collection of information about displacement and the legal

⁸ A *parcela* is a family-owned plot of land.

state of the usurped land in Chibolo. Therefore, once the Victims' Law was approved, it was decided that Chibolo would be a pilot case. As several non-community informants explained to me, the information already available meant that Chibolo was regarded as an easy case, or the 'low hanging mangos' of the land restitution process, enabling the government to show quick results (Interviews with the researcher 21 December 2015 and 28 January 2016). Moreover, since the villagers had already returned by themselves, in reality the process was one of formalisation rather than restitution, as in many other cases (Amnistía Internacional 2014). The communities registered as land claimants in 2011, with legal accompaniment of civil society lawyers' organisation Corporación Jurídica Yira Castro (Verdad Abierta n.d.). The land restitution process was soon expanded with the inclusion of both communities as subjects of collective reparation and efforts to reconstruct historical memory in an intensive process, which I discuss in more detail in Chapter 6. As we shall see, the institutions seriously underestimated the ease of this process.

Although I originally intended to undertake research in a single community, after my first visit to Chibolo I decided to follow CJYC's suggestion to research the experiences of both La Pola and La Palizua – although for different reasons than suggested. According to CJYC, both communities were not only geographically very close together, but also united through bonds of solidarity lasting since the formation of the communities during the time of the land occupations. I soon discovered that these bonds of solidarity were not so strong as CJYC and other stakeholders imagined. Although according to a former employee of the LRU I interviewed (Interview with the researcher 21 December 2015) 'Chibolo' as such was considered a pilot case of the Victims' Law, it soon became clear to me that in practice most attention was addressed towards La Pola. This was recognised by this interviewee, who explained that it was decided that efforts would first be focused on La Pola, after which the case called 'Chibolo' would be expanded to other *veredas* in similar situations, including La Palizua and other neighbouring communities. This decision was made for several reasons, including the proximity of La Pola to the municipality of Chibolo and because of its better access roads, the level of organisation of the community and activity of its leaders, and the fact that Jorge 40 had installed his military base in La Pola's community centre – therefore perhaps allowing for a more sensational story and setting for

President Santos's visit in 2012. In practice, and as I will describe throughout this thesis, this meant that the Victims' Law did not address these communities in the same way and instead reinforced old and created new resentments and tensions which further eroded the imagined bonds of solidarity between La Pola and La Palizua. Researching both communities, instead of only one, allowed me to explore in-depth the consequences that well-intentioned programmes have, not only on an individual but also on a collective level.

Conclusion

Having explained the history, causes and dynamics of Colombia's conflict, as well as its TJ mechanisms, it is clear that the communities in Chibolo offer an interesting case study. Chibolo is characteristic of the Colombian conflict as it involves land, displacement and paramilitary violence, whereas the communities are involved in all aspects of the Victims' Law. In chapters 6 and 7, I will describe the impact of the Victims' Law on the survivors, and analyse whether this law responds to people's needs, and helps to restore trust in the State, assumed to be one of the key goals of reparations (O'Rourke 2013). In Chapter 8 I will especially analyse what role, if any, the Victims' Law has played in transforming gender inequalities. How has it applied its differential focus to groups that do not correspond to the typical 'gendered' victim categories such as sexual violence survivors or female-headed households? What is it that the participants, and especially women, expect from a reparations programme, or from the State in general? But before addressing those questions, in the next chapter I will explain how I collected the data, and why I chose to use particular methods.

Chapter 4. Researching lived experiences of transitional justice and gender

As I have explained in the previous chapters, through this research I aim to contribute to an improved understanding of how transitional justice can better respond to the needs of those affected by conflict and transform their situation of structural inequality. A focus on people's everyday lived experiences that often reflect gendered inequality can contribute to countering abstract notions of peace and justice (Björkdahl and Selimovic 2015). In this chapter, I describe the methods I have used to collect data that allow for a better understanding of people's everyday experiences, giving insight both into the impact of conflict and TJ on people's lives, as well as their everyday needs. After a short reminder of the epistemological underpinnings of this research, I explain some of the challenges I have encountered in doing participatory research. I then explain the theoretical assumptions of ethnography, and discuss the implementation of and some ethical challenges encountered while using ethnographic methods. I finish the chapter by describing the participatory visual methods used, discussing the logistical and ethical issues I came across.

Feminist and participatory epistemologies

As I explained in the introduction to this thesis, I am interested in building knowledge on the basis of the experiences of groups whose voices are often not heard or taken into account. This is with the intention of producing knowledge that can enable the transformation of structural – particularly gender – inequalities. My research is therefore based on feminist theory, which means it aims to uncover knowledge that has long been discarded by systems of oppression like racism, capitalism and especially patriarchy, looking at how these oppressions are experienced in multiple and complex ways in everyday life (Nagy Hesse-Biber 2012, Stanley and Wise 1993). The knowledge produced by feminist research has a political goal of contributing to social change and the transformation of different forms of oppression (Hawkesworth 2012, Letherby 2003, Nagy Hesse-Biber 2012, Stanley and Wise 1993). This means that feminist research is not value-free, as it takes a clear political stance. Contrary to positivist research, which assumes that the researcher is neutral and independent from the objects researched and therefore produces value-free research (Guba and Lincoln 2004), feminist research

explicitly recognises the role of the researcher within the research process, acknowledging that knowledge can never be objective. Since researchers are always situated in social, historic and economic structures, the positionality of the researcher plays an important role in research, requiring a process of reflexivity to analyse how the researcher's own background in terms of class, race, gender or other layers of identity, as well as her emotions, biases and values affect the research, and vice versa (Hill Collins 1991, Nagy Hesse-Biber 2012, Olesen 2005, Stanley and Wise 1993, Thornton Dill and Kohlman 2012, Yuval-Davis 2006). This enables the production of more transparent and 'accountable knowledge', while diminishing the power imbalance between researcher and participants by scrutinising the researcher's role and positionality (Letherby 2003, Pillow and Mayo 2012, Rose 1997, Stanley and Wise 1993). Black and postcolonial feminisms have been crucial in pointing out how feminism itself has often ignored 'other' female voices (hooks 1990, Letherby 2003, Lorde 2007, Mohanty 2003), and how white feminists have often taken on neo-colonial roles in 'speaking for' marginalised or 'Third World' participants (Mohan 2001, Syed and Ali 2011, Tuck and Guishard 2013, Tuhiwai Smith 2012). They have hence been guilty of 'epistemological violence' (Teo 2010), as their research has reinforced interpretations of inferiority of the 'Other' that have had negative impacts.

Feminist postmodernism builds on these ideas of postcolonial and black feminisms, aiming to further disrupt the positivist idea of a single truth 'out there' and analysing multiple and complex stories that are shaped by different structures of power instead (Olesen 2005). Feminist postmodernism also allows for an analysis of how discourses – including legalistic TJ discourses – produce 'truth' (Gannon and Davies 2012, Hawkesworth 2012), opening up space for the discussion and analysis of multiple experiences and knowledges based on the intersection of gender with other layers of identity such as ethnicity, class or sexuality (Nagy Hesse-Biber 2012, Pillow and Mayo 2012). It therefore offers the best ontological and epistemological lens for looking at the multiple gendered lived experiences of TJ. It allows for the disruption of essentialised ideas about women and their conflict-era experience of victimhood (Hawkesworth 2012, Letherby 2003), which are often juxtaposed to equally essentialised ideas – of which feminism itself is also guilty – about men as women's common enemy, neglecting diversity among men's experiences and the possibility of alliances with men (Butler

1990, hooks 1990). Feminist postmodernism also allowed me to challenge TJ's abstract discourse about how peace and democracy are best established, analysing different 'truths' and unsettling fixed gendered victim categories.

I have combined this feminist postmodern lens with an epistemology and methodology based on participatory research. This is to counter the tendency that research about TJ is more often than not produced by researchers who do not actually live in post-conflict areas, and can therefore be far removed from the experiences and needs of conflict survivors, at best merely reflecting outsiders' understandings about conflict and how to deal with it (Jones, B. 2015, Robins and Wilson 2015). This often positivist research is not always capable of paying attention to the 'negative' or the silences in people's stories, as it is restricted by the hypotheses it has formulated on the basis of a rather rigid legal theory, failing to pay closer attention to reality (Martín-Baró 1994). As briefly explained in the introduction, participatory research is a methodology to start a process to share power between researcher and research participants in order to create a collaborative process of knowledge production (Cornwall and Jewkes 1995, Tuck and Guishard 2013). The process aims to raise consciousness and increase participants' critical awareness of the problems and inequality they face, working towards a goal of social action as identified by the participants and which they themselves can lobby for (Cornwall and Jewkes 1995, Fals-Borda 1987, Freire 1996, Kesby et al. 2005). It should however not be confused with participatory action research (PAR), which beyond the collaborative construction of knowledge and consciousness raising includes as a primary research objective the shared undertaking of actions towards change (Cornwall and Jewkes 1995, Fals-Borda 1987, Tuck and Guishard 2013).

The epistemological assumptions of participatory research are that knowledge is socially constructed and embedded, and includes different types of knowledge. Academic theories, including critical theories, often privilege scientific knowledge, considering experiential knowledge of non-academics from non-Western parts of the world less valuable. This however leads to a gap between theory and practice, based on a 'sub-theorisation' of practice (Santos 2011). Participatory research values these different types of knowledge, enabling research participants to produce and maintain ownership over their own knowledge, which becomes a source of power to affect

change (Blakey et al. 2012, Fals-Borda 1987). Participatory research emphasises both the process and the outcome of research, as the process legitimises popular knowledge, decolonises minds and disrupts the traditional, positivist process of knowledge production which is controlled by ‘experts’ generating ‘expert knowledge’ about other, more powerless people (Gaventa and Cornwall 2008, Lundy and McGovern 2006, Lykes and Hershberg 2012, Tuck and Guishard 2013). It hence aims to shift power relations between researcher and ‘researched’ from a subject/object relation to a subject/subject relation (Fals-Borda 1987). Participatory research therefore shares the political goals of feminist research, enabling the discovery and insurrection of ‘subjugated knowledges’, analysing power structures, and aiming to emancipate marginalised groups to transform their lives (Cornwall and Jewkes 1995, hooks 1990, Lykes and Hershberg 2012).

The challenges of participatory research

Combining these epistemological and methodological frameworks, I designed this research project with the intention of helping the research participants to identify their needs and concerns, producing knowledge that reflects their voices and needs (Robins and Wilson 2015). As described in Chapter 1, prior to my fieldwork I had verified if the communities of Chibolo were in fact interested in participating in my research. After this, during my first visits to La Pola and La Palizua I discussed the goals and methods of my research with various key persons in the communities. This quickly made me realise that although theory around participatory research might sound very responsible and idealistic, the practice is often quite different. Having been told I was the first academic researcher to work in these communities, I had not expected any ‘research fatigue’, which often appears after long-term or repeated participation in research projects, especially where there are no perceived changes as a result (Clark, T. 2008). I had however not realised that I was not the first person to undertake research here, nor were participatory research methods new to the communities.

As explained in Chapter 3, the communities of Chibolo were pilot cases of Colombia’s land restitution and reparation programme, and had therefore been visited by a plethora of State institutions. These institutions had employed various participatory research methods – such as the drawing of maps, timelines, and the past, present and imagined communities – in order to identify the harms caused by the conflict and the

communities' reparation needs. This reflects a trend towards the use of participatory approaches by non-academic institutions, ostensibly as a tool for democratisation (Kapoor 2005). Various community members however told me they were tired and bored with repeating the same exercises, especially as they indicated that the State institutions would always take their drawings with them – contradicting the assumption of participatory research that data belong to the research participants (Cooke 2004) – while the results of all this work were yet to be seen, since the implementation of reparation plans on the basis of the identified needs was slow. This shows how participatory research can become another form of tyranny, if the participatory approach is being used as a discourse or façade masking institutions' objectives which do not necessarily match the communities' needs (Cooke and Kothari 2001, Mosse 2001, Taylor, H. 2001) or if it raises false hopes for change (Cornwall and Jewkes 1995). Since it is often implemented without the corresponding epistemology, participatory methods frequently result in institutional self-aggrandisement through an attempt to legitimise the implementing agency as 'grassroots oriented' (Kapoor 2004, 2005, Tuck and Guishard 2013). Needless to say that this way participatory research does not achieve the shift in power relations that is its core objective, and can instead result in people feeling even less respected and more powerless, being treated as objects rather than subjects in a tokenistic form of participation (Kapoor 2004, Kelly 2004). As Pedro told me: 'with all the paper we have filled in the *Balcón*⁹, this (community) already has electricity, water, roads, haha. We have made it completely beautiful' (Interview with the researcher 27 November 2015). This ironic comment indicates that in spite of the use of participatory methods to democratise the reparation process, beneficiaries were quite disillusioned with the lack of results.

Another risk inherent in participatory research, also described in Chapter 2, is romanticising 'the local' and local knowledge, failing to recognise the complexity of local power relations. This risks reinforcing local power imbalances and marginalising certain groups, producing knowledge that is based on a 'fantasy of consensus' (Cornwall 2004, Hickey and Mohan 2004, Kapoor 2005: 1209). This can result in excluding women's voices, as well as the voices of marginalised men. Vice versa, the mere inclusion of women in the participatory research process does not necessarily

⁹ '*La casa del balcón*' is the community centre that was rebuilt as a measure of satisfaction. For more information see Chapter 7.

mean that ‘women’s issues’ will be defended, since women’s experiences are multiple (Cornwall 2003). Another risk is that participants echo more powerful voices, either for responding in a way they believe is expected of them, or because of the internalisation of the dominant discourse (Gaventa and Cornwall 2008, Cooke 2001). Several authors (Clark, T. 2008, Cornwall and Jewkes 1995, Kesby et al. 2005) have pointed out that research participants are not always that interested in being involved in ‘deeply participatory’ research and rather prefer the researcher to take the lead. Moreover, it can be questioned whether ‘deep participation’ is even possible in a PhD research project, with its clear restrictions in terms of time, financial and human resources, and expectations about the researcher’s own original rather than co-produced contribution to knowledge.

Taking these issues into account, coupled with the cynicism and exhaustion with participatory research methods that I encountered in the communities, I decided to adapt my methods. While remaining true to the epistemological foundations of participatory research – producing knowledge for social justice, focusing on locally defined priorities, and reflecting local perspectives (Cornwall and Jewkes 1995) – I broadened my methods beyond the use of only participatory methods. The participants wanted me to create an account of the land restitution and reparation process in their communities, in order to have their own version of its implementation, in contrast with the official account. The ethnographic methods I had originally planned to use as a rapport-building basis for participatory research were a good tool for this, as I explain in the next section. I did however not completely abandon participatory methods, since in order to capture the daily gendered experiences of TJ and post-conflict reconstruction, I used participatory visual methods with a group of women in each community, as I explain in more detail in the last section of this chapter. In order to undertake collective data analysis, towards the end of my fieldwork period I undertook focus groups in both communities, to validate and discuss my interpretations of their experiences and needs with people I considered a representative cross-section of the communities, including men, women and some leaders. Furthermore, I wrote a report about the land restitution and reparation process in both communities, in order for the participants to have access to the research findings (Jok 2013) and to bridge some of the tensions between my own academic research aims and the communities’ objectives (Robins and Wilson 2015). I

later received an email by the representative of CJYR that these reports had proved important for the communities' lobbying purposes (Personal communication 3 November 2016). I have also travelled back to the communities in May 2017, in order to present them my research results and give them a short, translated and adapted version of my thesis. The flow chart below (image 2) gives a visual explanation of the methods I used and how they are related

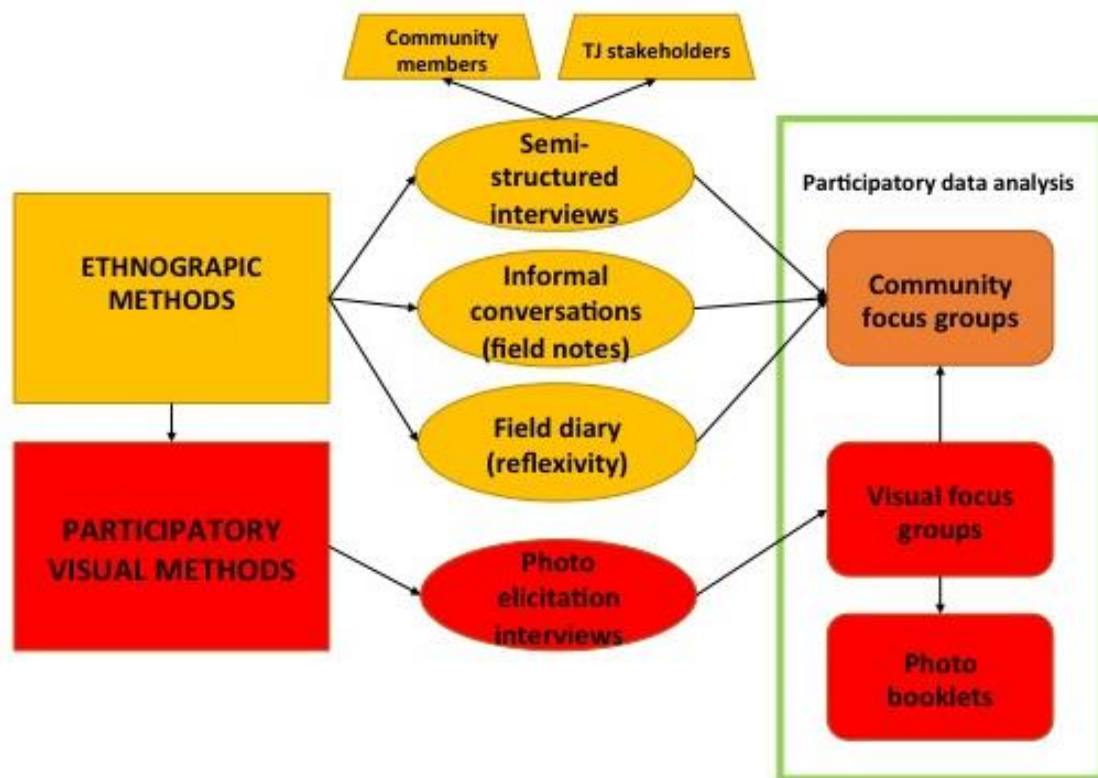


Image 2: Flow chart of methods used.

Ethnographic methods

As a result of the participants' reluctance to undertake more participatory exercises, and seeing that they were already overwhelmed with time-consuming meetings, ethnographic methods came to occupy a more prominent role in my research than I had originally planned. Ethnography, concerned with creating and representing knowledge about other cultures, has traditionally been used in anthropology, and increasingly in sociology (Van Maanen 1988). It aims to give detailed and complex descriptions of the meaningful social and cultural structures in which people and their actions are

embedded in a specific place. This ‘thick description’ can give insights into the larger issues at stake in society (Geertz 1975, Pink 2007). Ethnographers use a range of different methods for this, including interviews, participant observation, censusing, writing field notes and field diaries, and taking or collecting photographs (Geertz 1975, Pink 2007). In contrast to positivist research, ethnography is centred on people’s lived experiences (Robben and Nordstrom 1995).

Ethnography has however also been criticised for being extractive and sometimes exploitative, objectifying people and describing their culture and experiences in the ethnographer’s ‘outsider’ voice, appropriating ‘local knowledge’ as a new form of imperialism (Mies 1991, Pink 2007, Tuhiwai Smith 2012). This has led to many indigenous people and ‘marginalised’ communities feeling over-researched yet made invisible, with little opportunity to respond to the way they are represented (Tuck 2009). In response to this, several authors (for example Coffey 1999, Pink 2007) call for reflexive ethnography, which critically analyses the role of the ethnographer. More recently ethnography has increased its focus on the ‘suffering subject’, aiming to enable empathy and generate lessons for change but at the same time presenting only one aspect of people’s experience: suffering. This tendency can be countered through more attention to people’s ideals, values and the social relations between people, improving the understanding of the ‘better worlds’ that people imagine (Robbins 2013). This allows for exploring possible alternative ways of life that have long been neglected or disqualified by occidental research, but which could offer new routes for creating a more just future (Santos 2011). Other authors (Manz 1995, Scheper-Hughes cited in Robben and Nordstrom 1995) have urged ethnography to respond more directly to the needs of research participants, engaging in social activism or speaking out about the injustices encountered.

These approaches are closely linked to the way I have used ethnographic methods during my fieldwork in Chibolo between August 2015 and April 2016. At the request of the villagers, I attended their meetings with the different State institutions involved in land restitution and reparations, which many people considered to be a time-consuming process with little tangible outcomes. These meetings helped me understand the communities’ experiences with TJ and its impact on their lives. In addition I attended community meetings and some meetings among the community leaders, which

were held on a regular basis to discuss the progress of the land restitution and reparation process and to discuss other topics that were of relevance to the communities. I also carried out ten semi-structured interviews with five men and five women in the communities in order to understand their experiences in the process, and their perspectives on gender equality and issues such as truth, justice, peace and reconciliation.

One of the fundamental aspects of my fieldwork was spending time in the villages and visiting people in their homes, having informal conversations with them, listening to the community gossip and gaining insight into their everyday needs. As part of my research design, and also due to the practicalities of travelling to isolated communities with no hotels, I ordinarily stayed with people in their homes. This meant that the time spent in the villages and the informal conversations that ensued provided key information. My field notes therefore form an integral and crucial source of data. I also kept a research diary to document the more personal aspects of my research, which was often insightful not only to reflect on the process of doing research and its physical and emotional impact on me – thus enabling me to be reflexive about my own position and actions in the research process – but also as a means to better understand the people I worked with by reflecting on the daily challenges I shared with them (Coffey 1999, Punch 2012, Sultana 2007). Finally, I had personal communication by email and undertook fifteen interviews with non-community stakeholders. This allowed me to access the views of three additional groups of people: representatives of State institutions; members of civil society organisations working on TJ issues; and people who had been personally involved in TJ processes in Chibolo. These interviews allowed me to develop a broader view of the reparation process.

The value of ethnographic knowledge

Ethnographic ‘hanging out’ with people in their everyday situations was a valuable tool for obtaining a better idea of their experiences and needs. Informal conversation can be a great source of information, often more so than formal interviews. In the formal, semi-structured interviews I undertook, I frequently felt that participants would not reveal all they were thinking, or that they did not see the importance of some of my questions, especially related to gender equality, a concept that is relatively new and ‘Western’ for

them (Lykes and Hershberg 2012). They often gave politically correct answers about gender equality, while my own impressions of women's everyday experiences and the comments that women made during informal conversations were rather different. This reflects how people behave differently in different circumstances, and often screen what they say – or do not say – to researchers (Lundy and McGovern 2006). This process of screening seemed to be much stronger in a more formal interview setting than during an informal conversation about community and family life. In other contexts observation has been an important tool to research silences, complementing interviews in which certain subjects often remain unaddressed (Eastmond and Selimovic 2012). Silences might even be more present in the case of sensitive or delicate research topics, such as gender or sexuality, and rather than an absence, they are part of discourse and function alongside the things that are being said (Foucault 1990). Several authors (MacKenzie et al. 2007, Robins and Wilson 2015) have called for 'hanging out' as a method, since it enables a more complex and localised understanding of people's experiences, concerns and priorities, which are often not at the foreground of traditional TJ discourse (Robins 2009). Ethnography can therefore help to establish a more 'humanist' and ethical research account, which does justice to people's multiple experiences and perspectives (MacKenzie et al. 2007).

Ethnography also proved a useful tool to study gendered experiences, as it allowed me to spend much time in people's houses, which is where women spend most of their time as a result of the rigid gender roles in Colombia's Caribbean Coast. Women seemed to enjoy my visits, and some even came to see me as a neutral outsider to whom they could tell their concerns without the fear of their stories being spread via the community gossip circuit. Household tasks also became a way in which I could somehow measure the level of trust I had gained. Initially most women would not let me help them with their household chores. Perhaps they saw me, a single woman over thirty, as rather useless according to their gender standards, and therefore not to be trusted with these tasks, or as a guest and therefore an outsider who should not be burdened with household tasks. But at the end of my stay in the villages, my help in simple chores was readily accepted and in an exceptional case I was even trusted with frying yucca. From being a complete outsider I had become a little bit more of an insider.

As mentioned, ethnography – and academic research in general for that matter – has been criticised for being exploitative and extractive, while its benefit to the people ‘studied’ is often less obvious (Coffey 1999, Tuhiwai Smith 2012). Yet my experience is that ethnographic ‘hanging out’, if carried out in an ethical way – in my case based on a participatory epistemology and complemented with participatory visual research methods – can be important for the persons involved in research. That ethnography forces the researcher to fully immerse in the research context is not lost on the research participants. It was clearly appreciated that I, unlike most State and civil society actors, made the effort of spending a long time with them and showed a real interest in their lives. One of the female leaders I spent considerable time with told me – visibly moved – that she really appreciated my sincere interest in and adaptation to their living conditions:

Josefa said that before she felt like they were invisible, and the fact that people are now coming from so far away to see their process and experience means a lot to her. To me it also meant a lot that she told me this, because I feel uncomfortable with her going out of her way to help me while I feel I am not doing that much (Field notes 25 September 2015).

This view seems to indicate, as other authors (for example Campbell 2002, Wood 2006) have also pointed out, that research in itself, if carried out in a critically reflexive and ethical way, can be beneficial to participants. Sharing participants’ living and climatic conditions and food, and trying to understand their lived experiences through the creation of a temporary shared positionality or correspondence (Pink 2009) can be a way of creating bonds of cross-cultural solidarity, making the participants feel less invisible (Pieke 1995).

The challenges of ‘hanging out’

In terms of my positionality, attending the meetings between the communities and the TJ institutions was sometimes challenging. Although I felt quite sceptical towards the role of the State institutions and also some international organisations in this process, I also felt I needed to maintain a neutral position in order for them to remain open. At the same time, as Wolf (1996) describes, my class and educational background was closer

to these outside stakeholders than to the villagers. I therefore simply explained my background of working in the TJ sector, expressing my interest in understanding the workings of the progressive Victims' Law in practice. My own position might be seen as what Mullings (1999) describes as presenting oneself as a temporary insider in order to win respect or access to information, while at the same time feeling closer to the research participants ideologically. When I interviewed several of the stakeholders involved in this process I came to understand their sincere commitment to improving the situation of the survivors. At the same time I noticed that, in contrast to my previous work experience within the TJ field, my position as a PhD researcher affected my sense of power or being an 'insider' with these stakeholders (Mullings 1999). This was especially clear in arranging interviews, which was generally not amongst the stakeholders' priorities, making interviews hard to arrange and frequently being cancelled. This caused me considerable frustration and powerlessness, as I could do nothing but politely reschedule the interviews, even though this sometimes affected my research plans.

There were also moments when I felt an outsider in relation to my research participants, in spite of my sympathy towards their struggle for reparation and land restitution. The patriarchal culture and strong *machismo*¹⁰ at times made me feel uncomfortable with some of the male participants. This was particularly true when hearing them talk about women and seeing the way they treated their wives, which contradicted my feminist research principles and personal beliefs about gender equality. At the same time, I did not want to lecture them about gender, and as I was interested in better understanding gender relations in the communities I tried to adhere to the observer role, which involves not disturbing the research setting (Hsiung 1996). Like other authors (Fruehling Springwood and King 2001, Hume 2007b), I sometimes struggled with the dilemma about how open I should be about my own goals and convictions in undertaking my research.

¹⁰ *Machismo* is the dominant form of hegemonic masculinity in Latin America, explained in more detail in Chapter 5.

Language, gender and positionality

Linguistic and cultural differences also play a role in research. An anecdote of my very first day in La Pola illustrates this. When I introduced myself to the lady of the house where I ended up spending considerable time, she told me her name was Juana¹¹, but that her husband called her '*la hembra*' as he considered her name too complicated. The word *hembra* is used to refer to a female animal, and I had and up until now have never heard anyone else being addressed this way, much less in public like Juana's husband would do. Although *hembra* cannot be understood in the same derogative way as 'bitch' in English, it is definitely not a positive expression – unlike its male equivalent *macho* – which was reflected by the fact that other villagers would sometimes jokingly talk about '*la hembra*' when they referred to Juana. I was quite shocked by what I saw as the inferior treatment of this woman, which was telling about the strong *machismo* present here, that was so internalised in Juana that she even introduced herself in this way. Language can clearly be a place of struggle, or in this case rather another form of oppression (hooks 1990). Nevertheless Juana's *machista* husband was quite liberal in other ways and also loving towards her. This demonstrates that for an outsider it is often hard to completely gauge the linguistic, cultural and gendered intricacies of a place that is not yours (Temple 1997). Moreover, there is often no way of translating these culturally specific terms into English, as they simply do not exist. Trying to translate them would make them lose their meaning (Lykes and Herschberg 2012, Shklarov 2007).

Language also made me feel like an outsider in other situations. Although one of the reasons for undertaking my research in Colombia was my fluency in Spanish, initially it felt quite the opposite. The Spanish accent used in the Colombian Coast, especially in rural areas, is very different from the Spanish spoken in other parts of Latin America. During the first weeks of my research I often found myself in the middle of conversations, and especially jokes, which I did not understand. Although my understanding of the accent and culturally specific ways of expression improved considerably, language remained an issue until the end. It became a reason for friendly jokes about my Guatemalan slang, but also made transcribing and coding interviews a time-consuming task, while translating quotes required careful attention in order to do justice to their original meaning (Temple 1997).

¹¹ All names of participants have been changed in order to protect their privacy.

Being a woman facilitated undertaking research on gender with women. At the same time, it meant that on numerous occasions I experienced the patriarchal culture first-hand, evidenced by almost daily questions about whether I was married and had children. My negative response was often followed by pitying looks, questions about my cooking skills or comments about the opportunity to find myself a Colombian husband so that I could dedicate myself to the household. This made the research quite personal as I myself became the subject of questions and judgments (Coffey 1999). Yet the (temporary) shared experience of patriarchy in this *machista* setting also allowed for the discovery of shared affinities (Sultana 2007) with women with whom I shared little apart from our gender. This relation of intersubjectivity (Kennedy Bergen 1993) generated data about life in such rigidly gendered societies and sparked interesting and insightful conversations. Women often agreed that Western culture offered women more opportunities to choose their own lives. My alternative, Western understanding of gender roles made me become a participant in the everyday gender politics in the villages (Hsiung 1996). Therefore, although visually and culturally I could not have been more of an outsider, ideologically there were moments of feeling both an insider due to shared affinities, loyalty and objectives in terms of combating inequalities, and an outsider as a result of the sometimes quite aggressive *machista* culture. Yet it is needless to say that I could never completely become an insider. My privileged background and ability to leave the fieldwork site were too obvious for that.

Managing the fieldwork relations with participants was challenging at times. In La Pola I felt freer to walk around by myself and visit people, since most houses were located closer to each other and therefore easier to reach by foot. In La Palizua houses were more isolated, and Josefa, with whom I usually stayed at night would not let me walk around by myself, saying I would get lost or something might happen to me. At a certain point this became quite uncomfortable as she tried to control my daily programme, making decisions for me about when I should visit certain people. I felt that she was trying to act – quite literally – as a gatekeeper who could give access to others as a community leader, but also tried to control with whom I would speak (McKenna and Main 2013). This was not easy to manage since she was, at the same time, a community leader whom I did not want to antagonise. In the end I decided to stay at other people's houses more often, using Josefa's own argument of the logistical

difficulties of crossing the village by myself. This calmed things down and enabled me to build deeper relationships with a wider group of people.

Participatory visual research

To enhance the participatory nature of my research, and to mitigate community members' dismissal of mapping, I decided to offer participants the option of undertaking visual research. As I noticed that women's viewpoints in particular were often overshadowed by more general, non-gender specific concerns in community meetings, where women tended to be less present and participated less vocally (Cornwall 2003), I chose to work with two groups of women – one in each community, to enable a comparative study of their experiences. Participatory visual research has the potential to make the research process, with its inherent power imbalances that risk benefitting the researcher more than the participants, a bit more democratic and less 'exploitative' (Pink 2007). The research participants directly become investigators, in control of the issues they portray and analyse, designing the visual product that is the research result, which can serve as a way of showing their situation and needs to policymakers (Pink 2007, Wang et al. 2000). This visual product is also a way of disrupting traditional Western science's privileging of written knowledge, by exploring alternative ways of presenting knowledge (Tuhiwai Smith 2012). Finally, using methods that the participants are interested in is also a way of preventing research fatigue, which may cause people to lose interest in research altogether (Clark 2008).

I decided to propose an adaptation¹² of the 'Photovoice' method, originally developed by Caroline Wang (1997), which consists of participant-led photography and the creation of captions to present the needs and strengths of a community. We decided to go ahead as the women were relatively enthusiastic, particularly compared to other participatory methods. Even so, not all women were interested in taking photos, and therefore I only worked with eighteen women – eight women in La Palizua and ten in La Pola. This made the method feasible to implement, as undertaking a participatory

¹² I prefer to speak of an adaptation of the method, as there are slight differences between my implementation of the method and its 'official' use. I introduced photo elicitation interviews as an intermediate stage in the process, before the group discussions. This allowed for a more relaxed atmosphere for women to explain their images. It also allowed me to collect more data than would have been possible simply through the group discussions.

visual project with the sixty or more women that constituted the two groups – about which I explain more in Chapter 5 – had been impossible time and resource-wise. As part of the participatory visual process, I asked the participants to take photographs of their daily lives as women, both of the things they were proud of and the things they considered as obstacles for a better life for themselves, their families and communities. They knew this would feed into a collectively produced visual product. I hoped that visually documenting these needs could help the women reflect upon their needs, promote dialogue among them – and hopefully their communities – and enable them to present their needs and demands to policymakers as described by Wang (1997). After the participants had taken pictures, I visited them to discuss their images so that I could understand why they took them. Even though these photo elicitation interviews were steered by the pictures the women had taken, other issues related to their daily lives also came up, as women generally felt the freedom to discuss their needs and interests. In the final section of these interviews, I asked the participants to select between one and five images that they would like to discuss with the other members of the group, and which could be included in the final visual product.

After the individual photo projects, the participants would come together in an informal visual focus group where they shared and explained their images to the wider women's groups. After each participant had presented, they divided into smaller groups to discuss the pictures. Most of the women in Chibolo – like in other contexts (Cornwall 2003) – are not used to participating in larger groups or speaking in public, and many of them felt uncomfortable speaking in front of the group. This is explained by the gender relations in the communities, described in more detail in Chapter 5. Initial discussions in small groups of three to five women helped to break the ice and made them feel more comfortable and confident. In the first visual focus group I used Mitchell's SHOWED model¹³ which involves the answering of a set of questions about each photo (Mitchell 2011). This method was unsuccessful in provoking the discussions I hoped for, as the women did not seem to understand the questions. In the ensuing meetings I therefore

¹³ The SHOWED model consists of the following questions:

- What do we See or how do we name this problem?
- What is really Happening?
- How does the story relate to Our lives?
- Why does this problem or strength exist? What are the root causes?
- How might we become Empowered now that we better understand the problem?
- What can we Do about it?

decided to give them the more general task of creating captions that expressed their feelings towards the pictures. This enabled them to discuss shared needs and concerns, first in small groups and then with the rest of the women, after which the pictures and captions could be adapted to include other women's opinions.

The final stage of the process was the collaborative organisation of the pictures and captions into different themes, mostly related to the women's different development needs and their implications for their lives. Although I had imagined that a photo exhibition, used in other Photovoice processes (Wang et al. 2000), would be an interesting way of presenting the participants' images to a wider audience of perhaps policy makers, the women decided that they wanted to produce a booklet, and so I respected their decision and collated the pictures and captions in A4 size booklets that I printed and gave back to them. A booklet is moreover easier to show to other people, for example in meetings with local politicians.

The importance of the visual

Having conversations with the participants about the photographs they had taken was a positive way of interviewing for three main reasons, related to the interview process itself, the process of 'giving back' something to the participants, and because of the importance of the visual. Although other research methods such as narrative interviewing or oral histories (Jones, B. 2015) might also be a positive and more participant-led experience compared to the 'interview straightjacket', these are still focused on a written research result, therefore missing out on the visual aspect that I consider very valuable as it enables participants to visually show their reality in contexts where literacy is low.

Firstly, the images allowed the interviews to be more informal; the participants seemed more comfortable and less insecure about giving the right answers. They were the experts about the photos they themselves had taken and therefore felt less intimidated than in formal interviews, in which women would often say they were not sure about giving the correct answer, or that their husbands would know better. By removing this barrier, I believe that I was able to collect a different type of information. But most of all I believe that the research was interesting to the women and helped them

overcome the interiorised idea that women do not have valuable knowledge. Julia and Cecilia told me that they enjoyed this individual process:

Afterwards I asked Julia what she thought about the exercise and she said it was *chevere*¹⁴. She said she had thought it would be very difficult but it wasn't, and that doing interviews like this she will little by little lose her fear of doing such things, like explaining her own opinion (Field notes 18 January 2016).

You won't believe it, but sometimes one relaxes like this, telling about one's situation (Interview with the researcher 23 January 2016).

The fact that the participants took the pictures and therefore steered the conversation, deciding what they felt comfortable telling me, helped avoid the risk of retraumatisation that is inherent in interviewing conflict survivors, which is present even in feminist research which aims to include marginalised voices (Robins and Wilson 2015, Sharp, J. 2014). Julia's comment however shows how research can even help to increase participants' self-esteem, as women noticed that they were capable of taking photos and presenting their ideas to others, something they had never done before. This has also happened in other visual research projects (Wang et al. 2000). In general the women were very proud of the pictures they took, showing them to family members and neighbours as something that they themselves had produced and received attention for, whereas in their daily lives women's roles are often taken for granted.

At the start of the process I encouraged the participants to take pictures of their families. I considered printing these photos as a way of 'giving something back' to thank them for taking part in my research. In this respect, the photos had an additional symbolic layer. On several occasions during the photo elicitation interviews, the participants recounted how through these images they had created memories of certain aspects of their present lives. This was important for them, as things might not be the same in the future. Visual research can be an appropriate way for working with people who have been affected by conflict and know how abruptly life can change. As many participants had lost most of their photos of the time before the displacement, printing photos was not only a way of giving something back to them, but also of creating new, visual memories.

¹⁴ *Chevere* is a local way of expressing approval, like saying 'cool'.

In terms of ‘giving back’ I also hoped that the women’s collective reflections during the participatory visual research process could fuel their organisational process. As such, I decided to undertake the visual group work with the wider women’s groups, rather than just with those women who had taken photos. Often the conversations in the visual focus group were more dynamic than the other, non-photo aided group discussions. The images gave direct leads into conversations, while seeing other women’s situations or concerns made it easier for their peers to give their opinion. This way, the wider women’s groups discussed the issues and problems raised by some of their members, reflected on whether these concerns also affected other women, which could give rise to demands that the group could make through lobby actions. This awareness raising is part of the goals of participatory research (Molloy 2007). The process of taking photos gave women a tool for looking at and showing seemingly trivial, everyday activities that are normally taken for granted (Rose 2013, Sontag 2008), enabling them to show their everyday roles and the aspects of their lives they found most difficult or valued most (Pink 2007). These everyday experiences are illustrative of gendered and other structural inequalities, which might otherwise be neglected, including by TJ with its focus on civil and political rights.

The booklets¹⁵ produced as a result of the process were received with great interest in the communities, both by men and women. On several occasions people told me that they felt the photos and booklets represented their story and living conditions, the ‘real reality’ according to Josefa (Informal conversation 29 November 2015). Participants considered that their ‘truth’ contrasted with some of the reports, photos and videos taken by the institutions involved in the Victims’ Law. This illustrates how the State can use photos as ‘evidence’ of their work and its impact, but also that photos can be interpreted and used in many ways (Sontag 2008). Giving women control over the possibility of presenting *their* truth enabled them to ‘shoot back’ (Lykes 2010) and counter outside romanticised perceptions and official representations (Molloy 2007). This also shows how photographs, particularly effective in showing the materiality and space of people’s conditions (Pink 2007), can be an important tool for bridging different worlds (Harper 2010), enabling women to visually show their living conditions to

¹⁵ Apart from printing a considerable number of booklets for the participants, I also left digital copies of the booklets and all the pictures the women took on cd’s and USB sticks for both groups. The booklets are added to this thesis in Appendix 7.

people in completely different contexts, for whom it might be difficult to imagine Chibolo. This was especially interesting as there was a situation of drought in the villages, which several women portrayed in a way that is probably more effective than words.



Image 3: ‘I took this picture of the land, so that they see the pasture, the cows, how they suffer’ (Photograph by Mari, February 2016, Interview 3 March 2016).

On several occasions participants expressed the desire for the President and the rest of Colombia to see their images and videos, so that they could see their needs and send assistance. Although I could obviously not contact the president, I was able – after discussing this with the participants – to share their images with the National Centre for Historical Memory (NCHM), the State institution that is producing booklets and a video about the communities’ history. The NCHM researcher told me in May 2017 that she had included some of the women’s pictures to illustrate their daily lives as farmers. I hope that this has enhanced the political utility of my research.

Many of the participants had low levels of formal education, and reading did not form part of their cultural habits. Even though the community leaders had asked me to produce reports about the implementation of the land restitution and reparation process, when I gave them the reports – another way of ‘giving back’ – people immediately looked at the photos I had included in the report. After inspecting the images, most people put the report aside, saying they would read it later on. This points to the importance of the visual as a source of knowledge and communication which is often

not sufficiently valued or explored within academia, with its continued focus on and preference for the written (Butler-Kisber 2010, Tuhiwai Smith 2012). Exploring the visual is therefore of particular importance in participatory projects that aim to reflect the perspectives of the participants.

The rocky road of participatory visual research

This account has painted a quite rosy picture of the visual research process. In reality the process also involved several practical and ethical challenges. The first practical hurdle was to decide what type of camera to use. As disposable cameras were impossible to find in Colombia, I ended up buying two basic digital cameras. Together with my own basic digital camera I had three cameras to work with. This obviously had its logistical implications, as I had to plan well in order to guarantee that all participants had the camera for a sufficient amount of time while enabling me enough time to print the photos and booklets. Digital cameras can moreover run out of battery, which is problematic in an area where most people have no electricity. On a positive note, the digital cameras also allowed the women to take videos, a feature that some of them explored enthusiastically, even without explicit instruction for this.

A more methodological challenge was to undertake group work with women who had hardly participated in any form of organisation before, as is described in more detail in Chapter 5. It was therefore hard to convince them of the importance of participating in meetings, and some women attended meetings rather irregularly. Moreover, not being used to meetings and concentrating on group exercises for a longer period of time, the attention span of most women was relatively short. Since I hoped that the Photovoice process might give an impulse to the women's organisational process, this also meant that I had to divide the meetings between the 'general' organisational and the Photovoice process, which especially affected the training aspect of the latter process. Although I managed to talk through some of the technical and ethical issues, provided hand-outs with a short explanation of the process and its goals and if needed reinforced this on an individual basis, it would have been desirable to spend more time exploring the different technical and ethical aspects, and analysing in more detail what kind of images the participants would like or could take as part of the process. Time was even more limited in La Pola, as it proved harder to get enough

women together to enable the start of the research. This meant that I could only hold one visual focus group to formulate captions and organise the photo booklet – in contrast to Palizua, where we had one or two meetings a month from September to the end of March. The result was that to facilitate this work in the limited time available, I myself organised the pictures the participants had selected into different categories. Although I left this open to debate, there was little reflection on my categorisation. Therefore the process can perhaps not be considered as completely participatory. As Lykes (2010) described, my own voice might have crept in through the choice of themes, or by sometimes slightly steering women's selection of images in order to present a more balanced account of their needs in the booklets. Moreover, although the women had produced the images and captions, I put them together on my computer, as there were no computer facilities to work on this collectively. In hindsight perhaps a scanned version of a booklet entirely produced by the women – made by cutting and pasting the photos – would have served the same purpose, although looking less 'Western'. Nevertheless, the reactions of the women seemed to indicate that they did feel that they were the authors of the booklets.

The conditions in which my research took place presented another practical challenge to undertaking this type of research. The people in these communities live in very basic conditions, in very small houses and in an isolated rural environment. The hot climate means that family and community life mostly takes place in open spaces and outside, whereas the collective cultural tradition blurs the public-private distinction even further. I visited the women in their houses to undertake the photo elicitation interviews, but we generally ended up sitting outside since it would simply be too hot inside during the day. This meant that family or community members would often pass by and have a look at the photos, while interviews would sometimes be interrupted by visitors, since the women needed to attend to their guests. In terms of the group work similar challenges existed. In Palizua, the group meetings took place in one of the two classrooms – a structure made up of wooden poles and a roof of corrugated iron, and therefore completely open (see Image 4). In La Pola we worked in front of the community centre or underneath a nearby tree (see Image 5), since inside the community centre it was too hot. Therefore the meetings in both communities took place in open spaces, which allowed passers-by – usually male community members –

to come and listen, sometimes also giving their opinions about certain issues. The women did not seem to mind, and apart from making clear that the women would take the decisions since this was their space, I felt I had to respect the norms of the collectively oriented culture in the community. As Bueno-Hansen (2015) describes, although respecting local spatial geography and cultural norms can fail to comply with the academic or therapeutic prerequisite of providing neutral spaces which guarantee complete confidentiality, it enables the building of trust.



Image 4: Meeting of the women in Palizua (Photograph by Enilsa, December 2015)



Image 5: The location where most meetings were held in La Pola (Photograph by researcher, March 2016).

In general, it was challenging to facilitate discussions with women who were not used to voicing their opinions. Although I hope the research process has increased

women's experience and confidence in this regard, I cannot deny that it sometimes was a frustrating experience. I had hoped to be able to get into 'deeper' discussions about women's situations and discuss more strategic needs, and I often felt we kept scratching the surface, discussing basic development needs. Nevertheless, part of the participatory spirit of the research was recognising women's needs and goals as guiding, even though they perhaps did not always correspond to my own ideas as a Western feminist researcher. Seemingly basic issues can be part of women's strategy of manoeuvring within margins of gendered power relations, while avoiding conflict with their male counterparts (Cornwall 2003, Mohanty 2003). Moreover, my experience of sharing the participants' living conditions helped me understand why their daily struggles for survival made it hard for them to focus on more strategic issues.

The ethical dilemmas of visual research

As has been discussed widely in writings about visual research (Butler-Kisber 2010, Mitchell 2011, Wiles et al. 2008), I also came across various ethical issues. First of all, although I asked the participants to take pictures both of the things in their lives they were proud of as well as their needs and concerns, images reflecting the problems they faced predominated, especially in the final booklets. The participants clearly saw the visual aspect of the process as a possibility to show their living conditions so that the government would respond to their need for assistance. Yet unlike PAR projects, in participatory research the taking of action on the basis of the research is not part of the process. It is up to the participants themselves, if they so wish, to lobby for the improvement of their living conditions. Yet the women's organisations were quite weak in both communities and women had little experience in demanding their rights. As a result, the process might result in disillusionment due to unmet expectations about what the visual product can achieve in transforming those problems, or in making people feel even more powerless or vulnerable by focusing on their difficult conditions (Cornwall and Jewkes 1995, Molloy 2007).

Although the pictures of some participants also showed their agency and their important role as women in their family economies, as explained in Chapter 8, there is an inherent risk of the photos presenting an image of vulnerability. This was most clearly expressed in a video that two women made of their neighbour and his house,

which showed a situation of extreme poverty. They had asked permission to film and the people on the video wanted it to be showed to the president, as the camerawomen also stated during the film. Yet when we were watching the video in the group, one of them seemed to realise that the video showed an image of poverty and perhaps even helplessness, which she seemed to feel uncomfortable with, although she did not express it very clearly. Photographs or films showing people in a powerless position sometimes reduce people to this powerlessness (Sontag 2003). This can cause embarrassment and reinforce the feeling of vulnerability and marginalisation that people often express (Butler-Kisber 2010, Mitchell 2011). It moreover risks pathologising communities, making them become defined by their being broken and oppressed (Tuck 2009). To overcome this risk, a stronger process of organisation and training in lobbying skills is needed to increase participants' agency and citizenship, through a longer-term and better resourced project, perhaps one more framed as a PAR project (Lykes and Crosby 2015). This might not be realistic for a PhD research project with its limited time and resources. A greater focus on people's hopes and ideals (Robbins 2013) might be another way of mitigating this risk.

Another risk I found is that the visual can demonstrate socio-economic differences in a clearer way, provoking jealousy and divisions in groups that are not homogeneous in terms of their socio-economic situation. In La Pola, socio-economic differences were present among the participants, with one family in particular standing out for their better economic position. One of the members of this family also participated in the Photovoice process, which raised certain discomfort in some of the other participants, since for their standards this woman had a comfortable life and therefore they believed she would have little to say about the problems most of the other women faced. In the end, her images actually formed an interesting contribution, as rather than on individual problems they focused on issues affecting the wider community. The anecdote does however illustrate that the 'local' is a heterogeneous space, and that the facilitator needs to balance different views and opinions within the participatory process. Being aware of tensions and divisions, for example through combining participatory visual with ethnographic methods (Masaki 2004), is crucial to overcome this risk.

Although prior to the creation of any images I flagged up that the participants had to be careful portraying other people because of the possible consequences this might have, I wanted the women to have agency and did not want to limit them to only taking pictures that would be suitable for publication. Many participants therefore took photographs that showed their family members or other identifiable persons. I have not included these in the thesis, nor will I publish them, because I feel uncomfortable blurring faces as this risks objectifying people and damaging and anonymising the pictures the women proudly took (Wiles et al. 2008). For me the importance of participatory visual research methods lay more in the benefit of the process itself for the participants and in the different types of information it gave me insight to, than in the visual data I will be able to publish as a result of it.

In terms of the negotiation of the ownership over the images through the signing of copyright forms¹⁶, I think I experienced most discomfort myself. I felt uncomfortable and selfish asking the participants to sign the copyright forms, feeling I was stealing their images from them. Most women on the other hand were quite pleased to give me permission, eager to show their pictures. I moreover promised to do my best to contact them individually if I would like to use their photos as part of any presentations or publications, as they might have changed their minds with the passing of time. As outlined in the guidelines of the Visual Sociology Study Group of the British Sociological Association (2006), consent thus becomes a process and a negotiation, rather than a one-off event. Two women were reluctant to give me copyright over their images, and in these cases I did not try to convince them.

Analysing data

I have used a postmodern, situational analysis approach (Clarke 2005) to grounded theory to analyse the data collected. This method for data analysis was developed from the 1970s onwards and is based on an interrelated process of collecting and analysing

¹⁶ After the interviews, I would ask the women if they were happy for their pictures to be showed in publications, presentations or exhibitions. They could decide differently for each question, and give me corresponding copyright over the images, as without expressed consent only the authors of the pictures have copyright over them. They were also asked if they wanted to use their own name, a pseudonym or be anonymous if their pictures would be published. A template of the consent form is included in Appendix 7, together with an additional consent form, specifically for images in which the participants appeared themselves.

data, building theory which is grounded in data through its constant comparison (Charmaz 1983, Idrees et al. 2011). This process enables the emerging theory to be closer to 'reality', better capturing complexity and more closely linked to practice than theories resulting from traditional positivist research which is based on hypotheses built on preconceived theoretical propositions (Idrees et al. 2011, Strauss and Corbin 1998). The goal of the theory that emerges is to help people make sense of, and better manage, their situation (Dick 2005). This fits well within the aims of feminist and participatory research, and is urgently needed in TJ research and practice, which is often too far removed from the experiences of survivors (Robins 2009).

In grounded theory, the process of coding data and grouping codes into categories and themes – for which I used NVivo qualitative software – enables the emergence or discovery of theory, which is then used to compare the data with (Dick 2005). A table with the codes and themes and their coding frequency, as well as illustrative quotes is included as Appendix 8. Memos are used to clarify the relationships between codes and categories and describe the emerging theory (Clarke 2003, Dick 2005). Grounded theory uses 'theoretical sampling' which enables the search for new data sources to complement gaps or clarify specific codes and themes that become evident during the research process. This enabled me to adapt my semi-structured interviews and the informal conversations I was having when I identified certain key themes that I was interested to explore, such as the participants' level of trust in the State or the relationship between reparations and development. This reflects how making sense of social life is a gradual process, rather than something that starts with a fixed idea that just needs to be tested (Charmaz 1983).

Grounded theory requires that the process of analysing or making sense of the data starts while being in the field (Bishop 2005, Blakey et al. 2012, Idrees et al. 2011, Kesby et al. 2005). The visual focus groups that I undertook were crucial for the data analysis, as they allowed me to discuss some of the themes I found with the participants. The two non-visual focus groups at the end of my fieldwork period served the same purpose. This helped to ensure that the research results reflected the participants' experiences and interpretations, rather than just my outsider academic view (Blakey et al. 2012). In the final stage of the research, the emerging theory is compared to the

existing literature in order to discuss the findings and place them in the wider area of research (Dick 2005, Idrees et al. 2011).

Since I used a situational analysis – or postmodern – approach to grounded theory, I have made different types of maps on the basis of the codes and themes identified. These situational (including nonhuman actors), social worlds/arenas and positional maps (see Appendix 9) helped to understand the relationships between actors, themes and viewpoints. This not only enabled me to understand the data better, but also to identify discrepancies and silences that contribute to a more complex understanding of the data through a ‘thick analysis’ (Butler-Kisber 2010, Clarke 2005).

Conclusion

In spite of the drawbacks I have described in this chapter, the methods used have proven useful to collect the data needed, in a way I consider to be as ethical as possible under the given circumstances. The combination of the different methods and their collective and individual, visual and verbal aspects, being undertaken both in ‘private’ and ‘public’ spaces, enabled me to focus on the complexity of people’s and particularly women’s everyday experiences and needs. This approach sits in a long feminist tradition of looking at everyday experiences to discover larger patterns of inequality.

An overarching question in qualitative research in general, and feminist and participatory research specifically, is how to manage expectations about the changes that research can establish (Clark 2008). To what extent can the link between research and action or social justice be understood as the researcher’s responsibility? Even in PAR with its explicit goal of taking action, the capacity to achieve concrete changes is not always within the researcher’s control, because of constraints in terms of time and resources, but mainly because deep structures of inequality make transformations a long and difficult process. Research can help to raise awareness and critical analysis among participants around collectively identified concerns. Yet unlike PAR, within participatory research it is not the researcher’s role to undertake the action. Although I hope my research has contributed to facilitating the participants to take action on the needs identified, the action taking is the responsibility of the communities. A comprehensive evaluation of the research process is unfortunately beyond the scope of a

PhD research process, and of many research projects in general (Clark 2008). This would however be an interesting topic for further research.

Chapter 5. Gender roles and women's citizenship in Chibolo

Before explaining how involvement in Colombia's land restitution and reparation process has affected the everyday life of La Pola and La Palizua, and how the reality of reparations compares to the expectations, I use this chapter to describe the gender roles and dynamics in the communities. I start by locating gender relations in Chibolo within patriarchy and rurality, contexts which are crucial to understand the key arguments which I develop in the rest of this thesis. I then continue to outline women's and men's roles, as well as describing phenomena such as *machismo* and violence against women, before moving on to describe how these roles lead to women's rather passive role in the community, reflecting a weak engagement with citizenship. I further explain this phenomenon by placing it within a historical context of clientelism and social assistance programmes in Latin America.

Gender roles in Chibolo: straddling patriarchy and rurality

Colombia's society is defined by a patriarchal social structure with clearly prescribed roles for men and women. This patriarchal regime is particularly strong in Colombia's Caribbean Coast (Grupo de Memoria Histórica 2010). Patriarchy in Latin America and beyond refers to a social system of male domination over women, in which authority is exercised by men in many spheres of life, including social relations, norms, institutions and language (Anthias and Yuval-Davis 1992, Lagarde y de los Ríos 2014). Patriarchy is centred around the 'nuclear family', which is led by the male head of household who provides for his children and wife (Gutmann 2003, Jelin 1994, Olavarria 2006). The female role lies in being the support base of the family in terms of caring and household tasks, expressed in traditional patriarchal values as motherhood, sacrifice and submission. Marriage therefore provides women with an arrangement in which they depend on the male breadwinners for their livelihood (Mies 1998). Although these values and roles are often embraced by women themselves for giving them a sense of identity and a means of survival, they also tend to result in women's domination by men and their underrepresentation in politics and the labour market. This results in lower wages and therefore less economic independence and autonomy, and often also in different forms of violence against women (Bracewell 1996, Jelin 1994, MacKinnon

1989). Pateman (1988) described this situation as a sexual contract, in which the wife receives subsistence in return for her labour, as an unpaid assistant to her husband who moreover gains sexual access to her as his 'patriarchal right'. Women's situation is thus characterised by public and juridical equality between men and women, in contrast to social inequality.

Patriarchy tends to be articulated with other axes of oppression, such as class and ethnicity (Lagarde y de los Ríos 2014). In Chibolo, patriarchy is compounded by class and geographical location, as rural communities have particular gendered dynamics, which are based on the division of labour among men and women. It is sometimes argued that in urban areas in Latin America patriarchal societal structures have started to erode somewhat faster than in rural areas, as a result of women's increasing insertion in the labour market, which meant that both men and women were remunerated for their work (Jelin 1994). Nevertheless, it should also be recognised that women's insertion in the labour market in itself does not necessarily lead to a change in gender roles or increased bargaining power for women, since they are often employed in informal and badly paid jobs which provide them little security, and moreover do not necessarily diminish their responsibility for household and caring tasks (Ellerby 2017). In rural settings land is the basis of income-generation. Although the whole family works on the land, power within the household and the communities is in the hands of men. Men's work is valued most, since men tend to cultivate agricultural produce – milk and cheese in Chibolo – which is sold at the market and generates income (Zuluaga-Sánchez and Arango-Vargas 2013). Women's work, focused on family consumption, is not remunerated and therefore not equally valued (Federici 2012, Jiménez Ocampo et al. 2009). This dovetails with the more general sexual division of labour in patriarchal systems in which a hierarchy is created between men's productive (wage) work and women's non-wage work, which is seen as their 'natural activity' (Mies 1998).

In addition, patrilineal kinship values define the relationship to the land. This means that land is inherited from father to son to guarantee that land remains family property. Women tend to live with their husbands' family upon marriage (Brydon 1989, Grupo de Memoria Histórica 2010, León 2011), although it should be pointed out that many marriages are informal and unregistered, which produces insecurity for women upon divorce or their partner's death (Meertens 2015). This patriarchal conception of

rurality means that development policies have historically targeted men (Brydon 1989). Colombia is no exception in this regard. Women were only explicitly included in rural development policies in 1984, while it took until 1988 for joint land titles between men and women to be formally promoted (León and Deere 1997).

The present rural context is increasingly affected by globalisation and neoliberalism. This has led to a retreat of State intervention, making market forces central. Diminished State support makes small-scale farmers uncompetitive in a market dominated by large-scale agricultural businesses, leading to increasing poverty in rural areas in Latin America (De Grammont 2004). Restructuration of the rural sector is needed, implementing processes of modernization and diversification to increase its competitiveness. This would require agricultural households to engage in multiple activities, which might create new spaces for women's role as entrepreneurs (Buendía-Martínez and Carrasco 2013, De Grammont 2004). This modernisation has however not yet taken place in Chibolo, as will become apparent in this thesis.

Women's roles

Following the logic of patriarchy, women's principle role and sphere is the household. Most women have similar daily patterns. They get up between 4 and 5am, with or even before their husbands to make coffee. This is a cultural act to mark the start of the day. Coffee will also be given to all those who visit the house during the day. The women then sweep the patio. The order and cleanliness of the patio is an indicator of women's skilful performance of household tasks, and therefore a frequent topic of discussion. This act is followed by making breakfast, washing the dishes and looking after the farm animals. Breeding chickens, ducks, pigs and goats is regarded as women's work, and although this is farm work, it is not remunerated and therefore not valued equally as men's agricultural work (Amnistía Internacional 2014, León 2011). Women's tasks continue by making lunch, washing dishes and cleaning the house. In the afternoon perhaps they have some recreational time to watch *telenovelas* (soap operas) on their own or someone else's television – since only some have the luxury of a solar panel for electricity. They then make dinner, before concluding with washing the dishes again. This pattern is expanded several days a week when they do laundry, a time-consuming

act as it is mostly done by hand and the men's clothes are usually filthy from their work on the land.

Unsurprisingly, household tasks are often portrayed in the images taken by the participants in the Photovoice process (see for example images 6-9). Many women emphasised the burden of these time-consuming and often physically demanding tasks, which are performed on an everyday basis without running water, gas or electricity. One such task is cooking:

‘Juana is tired and goes to bed early. After lunch she asked me: why did God decide that we have to eat three times a day? It is so much work all this cooking, and it never stops, not even on Sunday!’ (Field notes 5 September 2015).

Image removed to protect anonymity.

Image 6: Sweeping the patio (Photograph by Alejandrina, January 2016)

Image removed to protect anonymity.

Image 7: Doing laundry (Photograph by Cecilia, January 2016)

Image removed to protect anonymity.

Image 8: Cooking (Photograph by Perfecta, January 2016)

Image removed to protect anonymity.

Image 9: Doing laundry (Photograph by Irlena, November 2015).

From the Photovoice interviews it was clear that most women believed their lives would change considerably if these daily tasks could be modernised or alleviated, as María José explained:

There I am cooking. (...) On wood fire, I wish there would be natural gas, so that one would not have to use that fireplace with smoke. (...) Sometimes I am coughing, and I think it's because of the smoke I have in my lungs, after living in that smoke (Interview with the researcher 5 March 2016).



Image 10: ‘Cooking on wood fire always does damage, because of the smoke. But there is no other choice, so one has to do it’ (Photograph by Yulis, December 2015, Interview 18 January 2016).

This explains how women’s role of preparing food is not only complicated by the difficulties to preserve food without a fridge, as two participants pointed out, but also because of health impacts. Some women in the communities have been able to buy a gas stove, which provides a safer, healthier and quicker way of cooking, but like Cecilia, not all had the financial possibilities for this:

I’d like to have a stove. More comfortable but aha... the resources that we have here to sort of eat, they’re not enough to buy one of those things (Interview with the researcher 23 January 2016).

In general, one of women's key roles is to continuously be at the disposal of their families and any visitors who pass by for a chat, to work or to sell things. The culture in this region is collective and welcoming, and people – that is to say men – visit each other frequently. In addition to their household tasks, the cultural expectation that any visitor should promptly be provided with coffee or food restricts women to the household. Food plays an important role in this culture as it represents hospitality and consists of culturally specific products, such as yucca, *costeño* cheese and meat. Women play a key role in providing food, and therefore in maintaining this culture of hospitality. Fulfilling this role also produced anxiety in times of drought. This was illustrated through the Photovoice process, for example by Ana who took photos of a family visit to celebrate New Year's Eve:

So that they can see how they visit us. You see that this does not make one happy, because now one thinks about the food, and my god, I don't have it! (Interview with the researcher 21 January 2016).

Laundry is another time-consuming task, especially because of the lack of electricity. Many women experienced this as physically straining, like Irene described:

I like doing the laundry, but standing and scrubbing gives me back pain, and at night I can't sleep because of the pain. One has to draw strength. But not with a washing machine (Interview with the researcher 1 December 2015).

These images and quotes illustrate how household tasks are more time-consuming and physically demanding as a result of the lack of basic development services such as electricity and running water. This is compounded by poverty, which was reinforced by displacement and is now maintained by the Colombian State's neglect for the countryside and the changed nature of rurality. This means that the performance of straining household activities represents an obstacle for a more active role for women in their communities, beyond traditional gender roles.

Gender and the family

Given the patriarchal context and the importance of kinship relations in rural societies as described by Brydon (1989), family is important for the women in Chibolo. Their

families were the subject most portrayed in the Photovoice process, both in everyday activities and on special occasions such as birthdays or religious events. Being a mother is an important aspect of women's role in patriarchal societies and it defines their key task of caring for others (Bracewell 1996, Jelin 1994). This explains why many Latin American women identify themselves with their roles as mothers and wives (Jelin 1994). Although most families in Chibolo no longer have as many children as a few generations ago, there are still cases of women having eleven children. Most women have children very young. Girls having children aged sixteen or younger are no exception. This reflects a wider trend in Latin America and beyond, as described by Barker (2005), of girls having children at a young age for lack of something else that gives them a sense of purpose or meaning. Social pressure to conform to traditional gender norms is strong, as single women lack a defined and accepted social place (Pateman 1988). This reflects how women are valued in patriarchal societies for the roles they represent, rather than as individuals (Fiske and Shackel 2015). I repeatedly experienced this myself. Throughout my fieldwork I was continuously asked why I was not married and did not have children – especially given my age. The pressure to become mothers is related to the need to find a husband. This is translated into patriarchy's pressure on women to present oneself as a 'beautiful thing' (MacKinnon 1989), which is reinforced by a societal obsession with beauty, reflected by Colombia being in the top ten of countries with the highest numbers of plastic surgery (Weiss 2014). Although plastic surgery is unaffordable for women in Chibolo, they still show a strong interest for their appearance through the use of 'sexy' and tight clothes, the painting of nails and the like.

In relation to motherhood, different participants explained to me that it is best to have your own children. Raising other people's children – which is quite common among families in Chibolo – is no use, as according to Juana 'it will cost you the bread and milk, but it won't bring you anything in return' (Informal conversation 15 October 2015). This underlines the importance attached to blood ties in Latin America as the only way of uniting generations and transmitting relationships of care. This tendency is called 'familism', which identifies family relations and the resulting responsibility and obligations as the key resource for solving daily problems (Jelin 1994). In Colombia children are seen as a safety net for old age, since they will take care of their parents

(Jiménez Ocampo et al. 2009). Adopted children are considered less likely to help their foster parents at old age, because of the lack of blood ties. Nevertheless, several participants who were widowed also complained that their children hardly helped them with their work. As a result of the poverty and lack of educational opportunities suffered due to displacement, many of their children are now themselves struggling to survive, and can offer no safety net for their parents. Displacement has therefore broken ties of family support.

As in most rural contexts, children are also a source of practical help for men and women (Brydon 1989). Girls help their mothers in the household while boys help their fathers milking the cows or with other ‘male’ tasks. Unsurprisingly, boys’ tasks are more closely linked to income-generating activities, and perhaps this is why people seem to value having at least one son. Moreover, as previously described, girls move in with their in-laws after marriage, whereas boys normally stay and work on their family’s land. They are therefore a better ‘investment’. Pedro commented that he and his ex-wife never wanted to have many children, but nevertheless continued trying until they had a son – their fifth child. Carola told me she had one son, making me believe she had only one child, while in reality she also had four daughters (Informal conversations 27 November and 3 December 2015).

Motherhood gives women a goal in life, but simultaneously restricts them to the household, limiting their options for more diverse life plans and making them more dependent on their husbands. The rigid gender roles described above, especially strong in rural areas where there are few options of formal employment and women and girls are therefore mainly responsible for caring tasks, have been interiorised by many women, who as a result agree that their main tasks are in the household. Not all women were however happy with this role division. María José for example complained that she had become a ‘slave of the household’. Nevertheless, as will become apparent throughout this thesis, disrupting these interiorised gender roles is not an easy process. Clara, for instance, explained that in spite of her difficult 38-year marriage to an extremely jealous man who controlled her every movement, she never considered separating, because she would never leave her thirteen children (Informal conversations 5 March and 24 February 2016). Claudia described how her deceased husband never let her participate in any activities outside of the household:

No, ooh, my husband wouldn't let me! Imagine, I had all those children! If I remember correctly, *doña* Reyna asked my husband if he let me participate, but 'No, she has enough work with the children she has to look after, and the house. And I have to be working on the land. And then who will cook for me? Who will look after those children?' I never, nothing, I didn't participate (Interview with the researcher 19 December 2015).

In some cases marriage meant that girls had to stop studying. In the case of two women in one family, this was because their husbands did not let them continue studying because qualifications or education were not regarded as essential for child rearing or household tasks. Paola separated from her partner for several years because he did not allow her to continue her studies. Other factors preventing girls in Latin America to continue studying are the difficulties to combine pregnancy and child-raising with education. This was the case of one of the young women in the community, whose plans to enrol in university were hampered by her having a baby. Another factor is the lack of relevance of education for finding employment, especially for poor families in rural areas where work is often prioritised over schooling due to the necessity to secure food. Moreover, families – and often women themselves – see domestic chores as women's core responsibility, and school knowledge is not considered essential for this (Stromquist 2001, UNICEF 2007). In contrast, Julia and Elena considered that young women were 'lost' if they did not continue studying, as this would limit their opportunities to make a living by themselves and make them more vulnerable to male control. They therefore wanted their daughters to continue studying and be able to find paid employment (Informal conversations 14 January and 5 March 2016). The need for studying and gaining independence from their husbands was also expressed on several occasions in the meetings of the women's group in Palizua.

Things are however slowly changing. Carola's daughter, who got married aged fourteen, nevertheless continued studying, while some girls of relatively wealthier families in the communities were also studying instead of marrying young. Sara recently came to live in La Pola and is trained as a teacher. Her 21-year-old husband Jorge actively pushed her to continue studying¹⁷. This shows how gender norms are not fixed, and can change over time. Perhaps little by little imaginaries of women's roles can change through these examples.

¹⁷ Unfortunately, during my return visit in May 2017 I discovered that Sara had had a baby, and had stopped studying and participating actively in the women's committee, as she did previously.

Male roles and masculinities

Women's roles and identities are closely related to male roles and behaviours, which are prescribed by rigid notions of masculinity, which identify what it means to be seen as a successful man in these communities. Men are responsible for the work on the land, on which they cultivate crops like yucca, corn, pumpkins and some fruit. They are also in charge of cattle farming, involving daily activities such as milking the cows. Men's obligations are therefore principally related to providing their wives and families with protection, food, clothing and other basic needs. In return for fulfilling these obligations, men enjoy privileges (Thomson 2002), or what Connell (2001: 43) calls the 'patriarchal dividend'. Their main privilege is to be cared for by their wives, receiving the best food and other attention they need. In addition they enjoy the freedom and power to do as they like (Kaufman 1987). Apart from some activities to support women in their household tasks, such as cutting firewood or fetching water from the wells, they do not perform caring tasks, while boys and young men are not expected to help in the household either. This way, men from young age are socialised into their role of 'working hard, playing hard'.

Men more than women are in charge of undertaking public activities in the families and communities, such as participating in meetings. This is especially true when related to the land, which is regarded as men's domain, echoing a wider trend in Latin American farming societies, where the male heads of household represent their family with 'voice and vote' in community organisations about the land (León 2011). This is illustrated by the membership of the associations in La Pola and other nearby villages, where all but a few members are male. In La Pola, only a handful of women are members of the association, generally because they are widows and therefore cannot be represented by their husbands. Only a few female leaders are members alongside their husbands. When during my fieldwork a new cooperative was formed to enable several communities to collectively sell milk, the list of members was overwhelmingly male-dominated again. Community leaders Pedro and Tomas told me that in their understanding only one person per family should sign up. Unsurprisingly, it was always a man. This reflects patriarchal notions of the nuclear family, in which men are heads of household. Even La Pola's community leader, in spite of being an advocate for women's participation in the community, maintained patriarchal values. He for example

considered it unfair that his wife received compensation before him, while he was the head of household who filled in the PAARI¹⁸ (Informal conversation 14 November 2015). This idea of men being the heads of household who represent the family is also internalised by women. When La Pola's women's committee was selecting its president, Lucía considered 'there could only be one person in command, just like in the household' (Meeting 9 April 2016). Women generally did not consider it necessary to go to meetings if their husbands were present. Men did not see the need for this either. They can speak for their wives, as Alejandro explained:

With Elena, what happens is that I know what she is going to say. We are the leaders, and I go and fight for her. I say what she would say. I would say it triple, because I know she knows little about that, and I understand it more than her, and therefore I can better stand up for myself and I talk more (Focus Group 19 March 2016).

Machismo

Patriarchy hence expresses itself through male dominance. Men are expected to be the successful protectors and providers of their families (Alzate 2008, Farah Quijano 2009, Weiss 2014). Hegemonic masculinity prescribes how men are expected to demonstrate this power and control. *Machismo* is the most dominant form of hegemonic masculinity in Latin America, and it is particularly strong in certain regions of Colombia, including the Caribbean coast. *Machismo* is demonstrated through wealth, (hetero)sexual conquest and the exertion of power over others, defined by gender inequality but also by competition between men (Baird 2015). It is displayed by an exalted virility, stressing competitiveness, strength and toughness, not showing vulnerability or expressing emotions (Kaufman 1987, Lagarde y de los Ríos 2014, Viveros Vigoya 2003). Descriptions however easily result in stereotypes about male abusive behaviour, while reality is often more nuanced (Beattie 2002, Viveros Vigoya 2003). Stereotyping moreover risks blaming men while ignoring the underlying social structures of gender which create these forms of masculinities (Barker 2005).

Responding to this culturally prescribed manhood, men in Chibolo spent most of their time working on the land, attending meetings or going to the *cantina* (bar). As long

¹⁸ Survey on which the compensation and reparation plan for the family is based.

as men complied with their role as providers, they could allow themselves to enjoy themselves *en la calle* or ‘in the street’¹⁹. As in other parts of Colombia (Gómez Alcaraz and García Suárez 2006) ‘the street’ is often synonym for risk-taking behaviour to show competitiveness and power, such as driving fast on motor cycles, rooster fights, the use of alcohol – discussed in more detail below – and the occasional fight. Alongside the expectation of being successful economically, men are even more valued among their peers if they are successful sexually. This is because fertility equates to masculine power (Baird 2015, Olavarria 2006). As several authors (Barker 2005, Gómez Alcaraz and García Suárez 2006) have argued, cultural expressions like music and dance can reinforce and promote *machismo*. *Vallenato* music²⁰, which is extremely popular among both men and women in Colombia’s Caribbean coast, is characterised by *machista* lyrics about the consumption and ‘harvests of women’²¹.

Men in Chibolo were open about their need to be with women. On my first evening in Chibolo the man of the house – a real womaniser – explained that 99% of the men in the villages were unfaithful (Informal conversation 19 August 2015). This produced tensions in marriages and sometimes even among wider families. Juana, the lady of the house in which I often stayed, struggled for a long time with her promiscuous husband, until she finally decided to tolerate him as he would never change, and at least he provided her and the children with everything they needed. Nevertheless, this was not an easy decision since her husband had been unfaithful with her friends and one of her nieces. She reflected that things get really bad ‘when even your own family doesn’t respect you anymore. One has to put up with a lot here’ (Informal conversation 30 March 2016). Juana often told me she hardly had friends, since no other women could be trusted around her promiscuous husband. Men’s promiscuity therefore reduces women’s network of support. Although women are often seen as a homogeneous group, in fact women are not necessarily united by the same interests and myths of female solidarity thus do not always hold true (Cornwall 2007).

¹⁹ The term *en la calle* or is commonly used in Latin America, and refers to the public space. Being on ‘the street’ is accepted for men, whereas for women *la calle* is associated with bad habits and prostitution (Jelin 1994).

²⁰ *Vallenato* is a style of music which originated in the city of Valledupar in Colombia’s Caribbean coast. It is characterised by the use of the accordion and romantic, often sexist lyrics, sung by mostly male singers.

²¹ The vallenato song ‘*Cosecha de mujeres*’ says: ‘We run out of potatoes, we run out of mangos, but the harvest of women never ends’.

Lagarde y de los Ríos (2014) describes how women's only friends are often their *comadres*, or the godmothers of their children, since everyone else could be perceived as a rival. Men are also competitors amongst each other, aiming to conquer women in an attempt to continuously reaffirm their masculinity (Kaufman 1987). Gender relations are therefore more complex than is often assumed, not just referring to relationships between men and women but also among women and men as groups (Cornwall 2007). Women are often 'friends-enemies' (Lagarde y de los Ríos 2014: 352), struggling with promiscuous husbands while at the same time sharing common interests or financial ties with them that make it hard for them to leave promiscuous relationships (Cornwall 2007). It goes without saying that women were not allowed to have an affair, since although 'it looks good on men' to have several partners, Juana's husband argued that nobody would want to be with an unfaithful woman. This often results in obsessive jealousy and control, which can lead to the interiorisation of *machismo* by women. Juana for example criticised a friend who decided to cheat on her husband after he was unfaithful to her. This infuriated her friend's husband so much that he nearly killed her. In spite of this, Juana insisted that her friend should not have been unfaithful (Informal conversations 19 and 22 August 2015). Also men referred to this interiorisation of *machismo* in women. Palizua's leader Tomas explained:

But just being men doesn't make us *machista*, because there are *machista* women too. (...) Just like there are *machista* men, there are many women who are perhaps worse than men. (...) It is not only men's fault (Focus Group 18 March 2016).

This is common in Latin America, where men often blame women for reproducing *machismo*, rather than analysing or recognising their own role in it (Hume 2009).

Men's privilege of being in the street also had other disadvantages for women, especially in terms of protection and a feeling of safety, as Clara expressed:

C: Because the men sometimes leave but we women stay here. And we are those who suffer most.

SW: So those who go out and run errands are the men?

C: Exactly, and the women are those who stay at home. And they are the ones who know how uncomfortable it is to sleep like that (Interview with the researcher 19 March 2016).

Josefa experienced fearful moments before and during the displacement, because her husband would leave her alone, facing the paramilitary. Eighty-year-old Pablo discussed this, as he talked about the 1990s when he was (still) a real *mujeriego* (womaniser) with two girlfriends in addition to his wife:

No, I still have the enthusiasm. But it's no longer like before, when I used to squander money. I am much more moderate now. Not because I don't feel the enthusiasm anymore, ooh! But (...) I am no longer the crazy guy of before. I would leave her here by herself, for up to three days while I would go over there, to La China, selling animals (Interview with the researcher 5 January 2016).

Like in other Latin American contexts (Brandes 2003), alcohol is an inherent part of male identity. Pedro believed alcoholism has become more widespread as a result of displacement, since people were exposed to the habits in the cities. A national-level farmers' leader believed that it was a result of unprocessed conflict-related traumas (Interviews with the researcher 27 November and 30 October 2015). In any case, alcohol was an important factor in men's leisure activities in these communities. On Friday, Saturday and Sunday afternoons the *cantinas* of the villages – especially La Pola – were full of men, *vallenato* music blasting through the communities and beer, rum and *aguardiente*²² being consumed on a large scale. National holidays and celebrations are notorious for the large quantities of alcohol consumed – by the men, as the women stayed at home looking after the house. Only the Evangelical Christians in the communities did not drink or dance. The occasions when Christian community members did actively take part in the celebrations led to far greater gossip than when the community leaders misbehaved while drunk. Being drunk was not seen as a motive of shame for men, although the few instances when women were drunk unsurprisingly led to community gossip. Although holiday periods were looked forward to for being a period of family visits and happiness, for some women they were overshadowed by tensions with their husbands. They complained how their husbands would spend days in a row in the bar, leaving their wives to attend the house, while spending the little money that the family had on alcohol, as Marta explained:

It is the woman who is suffering. Because the men go drinking and when there is

²² *Aguardiente* is a generic term for strong alcoholic drinks, generally containing over 30% alcohol.

no money left to drink, they sell what they can sell, but they won't look for food (Interview with the researcher 26 February 2016).

Alcohol also facilitates violence against women. During my stay in the villages, I heard several anecdotes of men coming home late drunk and forcing their wives to make food for them, sometimes pulling them out of bed by their hair (Field notes 29 November 2015). Other women told similar stories:

Paula said that her partner in general is a good person, but that he is sometimes difficult. Some months ago, when he was drunk, he tried to hit her, but she said she wouldn't take that (Informal conversation 11 November 2015)

In a group discussion it was jokingly commented that sexual violence within marriage happened 'when he comes home drunk' (Meeting notes 8 October 2015). Alcohol hence intensifies *machista* behaviour, reinforcing its negative effects on women (Greenberg and Zuckerman 2009). But it should also be recognised that alcohol in itself is not the problem, but only reinforces an already existing problem of gendered inequality (Hume 2009).

Besides placing women in a subordinate position, *machismo* can also be oppressive for men themselves (Barker 2005). In the communities there were a number of men who were divorced or whose wives had not returned after displacement. Some of them were admired for managing to get by well by themselves, but in general people wondered why these men did not look for a new wife. One of these men even told me that I could come visit him, but that I should know that he is a *macho solo* (man alone) and therefore not able to attend me well. A man without a woman is not complete, lacking a wife who takes care of him, while the man himself is considered unsuccessful as a head of household, an essential male role (Brandes 2003). The older men in particular insisted they could not stand being alone, but needed a *hembra* (woman) to take care of them. Some men were separated from their wives during displacement, and 'took' another wife (Informal conversations 15 and 18 September 2015). Jokes were sometimes made about single men being homosexual or 'gaytorade' as Cesar once joked, referring to the popular sports drink (Informal conversation 27 November 2015). This reflects how heteronormativity is part of hegemonic masculinity and the image of those men who hold power (Jones, A. 2006), whereas homophobia for many men is a

way of dealing with insecurity about their own maleness (Kaufman 1987). At the same time, although it was a public secret that one of Palizua's leaders was homosexual, he was accepted and respected as one of the leaders. Gender norms are thus not completely rigid.

The pressure to be a breadwinner can also be experienced as a burden for men (Olavarria 2006). Men who were not able to provide their families with what they need were criticised. This was the case of some of the community leaders, who were seen to neglect their families, leaving them without food or firewood at times. This economic aspect of masculinity seemed to weigh heavier than the other aspects, as was illustrated by Juana who excused a man who had relationships with two women because he was rich enough to maintain both of them, while criticising a poor man with the same behaviour (Informal conversation 14 November 2015). This shows how *machismo* connects wealth and access to women (Baird 2015). Fulfilling men's economic obligations, central to being a successful man, can be a burden, since making a profitable living on land that has not been looked after during ten years of displacement and suffers from climate change is not easy, even less so without government support. Therefore, although it is often criticised how women are socially valued for their gendered role rather than as individual persons (Fiske and Shackel 2015), the same can be said for men. The pressure to live up to the expectations of hegemonic masculinity, coupled with the difficult displacement-related experiences, may explain the occurrence of violence against women and the perception of increased alcoholism in the communities (Dolan 2002). The transformation of these expectations of masculinity into ways of being men that are less oppressive and more equitable would therefore benefit both women and men.

Violence against women

As described above, male domination over women is also frequently translated into violence against women, which is used as a way to confirm masculinity and male dominance (Kaufman 1987). Although it became clear that different sorts of violence took place, this was not talked about much in public. When discussing women's rights in meetings with the women's group in La Palizua and in another nearby community I was invited to, the women mentioned the frequency of women's rights violations

without speaking directly or explicitly about any violence that they themselves might be experiencing. Nevertheless, over the course of my fieldwork I had or was present during conversations where incidents of violence against women were mentioned. I heard of cases where physical violence was used against women, for seemingly trivial things such as preparing rice without salt or not buying a husband his cigarettes – hence pointing to women’s failure to attend their husbands well. Juana told me in the beginning of my fieldwork that she found it difficult to be married, since as a woman she always had to attend her husband well, even if he arrived drunk at 12 or 2am, or was in a bad mood and hit her (Informal conversation 22 August 2015). Two women in Palizua mentioned how they hit their husbands back after having been on the receiving end of violence. One of them said she decided to leave her ex-husband because of violence (Meeting notes 7 January 2016). However, most others saw no alternative than to tolerate violence, having been threatened or feeling they had nowhere they could go with their children.

The public silence about violence against women echoes other research that suggests that women consider violence as a naturalised aspect of dominant masculinities that they have to endure without making a fuss. It is therefore not something that is publicly talked about (Hume 2009, Jelin 1994). Marriage is regarded as a social contract, which entails taking care of their husbands in return for the provision of food and shelter (Barker 2006, Hume 2009). Failing to fulfil part of this contract – for example failing to attend their husbands well or being unfaithful – seems to justify violence as a form of correction (Barker 2006). The family is seen as a private space outside the scope of State intervention. Problems are solved ‘from the door inwards’, while the previously described tendency of ‘familism’ makes it harder to look for support outside of the family (Gutiérrez Bonilla et al. 2015, Jelin 1994, Molyneux 2010). Lack of economic independence, reinforced by early marriage, makes it harder for women to end oppressive or violent relationships, since they believe that for their livelihood they depend on the male breadwinner (Calderón et al. 2011, Federici 2012, Jelin 1994, Mies 1998, Pateman 1988). Although many women were aware of the existence of women’s rights instruments in Colombia, they felt that women in the countryside were unprotected, since the police hardly ever responded to the

communities' calls for help and women seemed largely unaware of any other institutions that protect women's rights (Meeting notes 20 January 2016).

Two women told me about cases of incest that they suffered. Both were sent away to live with other family members in order to study or work, and during their stay they were abused by their uncles. Both women fled back to their own families. Another woman told me how her deaf sister had been 'kidnapped' by their much younger nephew to live with him in a nearby city. She was brought back to the community by one of her brothers. Surprisingly, this did not lead to a family crisis. The nephew in question has since married a much younger girl, moved back to the same village and continues to visit the victim's family. These various forms of violence against women were not discussed in any of the meetings I attended between community members and the institutions and organisations linked to the reparations process. This reflects TJ's 'gendered hierarchy of abuses' which privileges political violence over the intimate violence that women experience, which often takes place in the private sphere (Kent 2014, Ní Aoláin 2006, Tabak 2011). Chapter 8 deals with this issue in more detail.

Rigidity and subversion

These rigid gender roles prescribe women to perform household tasks in the private sphere and put men in charge of the agricultural work and activities in the public sphere. Young girls are taught that their role is in the household. Alejandro repeatedly told me that his only daughter used to be very close to him, accompanying him to milk the cows and in other 'male' activities, until her mother threw her rubber boots away and told her that she should help in the household (Focus group 19 March 2016). Diversions from these roles often led to gossip or criticism. In the Photovoice focus group, Celia explained she took many images of the process of fetching water in the community well. She performed this task every day, since her husband was a carpenter who was often away during the daytime. This contrasted with the farmers who tended to go home for lunch. Inés therefore told her that she should look for another husband, since her husband should not make her fetch water (Meeting 30 March 2016). Although this was said in a joking fashion, Inés indirectly criticised the division of roles. Also other women were criticised for performing 'male tasks', or their husbands were criticised for letting the women do these.

At the same time, many Photovoice images demonstrated that in reality the division of labour was not so rigid. This was especially so in Palizua, where I spent more time working with the women, which perhaps explains why they were more focused on gender equality while taking the pictures. For their Photovoice booklet, the women in Palizua selected photos that visualised how they and their husbands worked on the farm together, for example showing the women separating the cows from the calves in the afternoon. They thus showed that the relationship to the land or the animals is not limited to the men. Women in Palizua on several occasions expressed that they were better prepared for life than men, since they combined household tasks with agricultural work, whereas men only know how to do one thing. María José mentioned that therefore a woman's role is more all-consuming:

I say that we work more than men. Because the men, at least on Sundays they don't work on the land. They go out, but the women need to stay in the house and do all the work, looking after the goats and taking care of the pigs (Interview with the researcher 5 March 2016).



Image 11: ‘You know that he usually separates the cattle, right? And I sometimes see how troubled he is, so I go after him and help him’ (Photograph by Perfecta, January 2016, Interview 21 January 2016).

There were a number of women who earned some income, for example owning one of two shops in the communities, undertaking some petty trading or cooking food at the

cantina (bar) in the weekends, while one woman is a teacher at the local school. Remunerated work was thus generally limited to specific tasks and moments which did not interfere with women's gendered caring and household tasks. This reflects how women in rural communities often face a 'double burden', being in charge of productive work and domestic tasks (Brydon 1989, Jelin 1994, Lagarde y de los Ríos 2014). Nevertheless, other research has demonstrated that women's additional tasks do not lead to more economic or political recognition in the family or community, since they are seen as a normal aspect of women's gendered role of sacrifice and dedication (Brydon 1989, Lagarde y de los Ríos 2014, Zuluaga-Sánchez and Arango-Vargas 2013). Women's work on the land was generally seen as helping their husbands. This corresponds with the stereotypical role division in rural households in Colombia, where the male head of household is the principal agricultural worker, and his wife is merely seen as his assistant (Lagarde y de los Ríos 2014, León and Deere 1997). There were also examples of men helping women with their tasks. Irene and Ligia mentioned how their husbands cooked lunch if they went to meetings or had other tasks outside of the household – situations when women were unable to perform their household tasks. Therefore it was seen as helping rather than part of men's normal role (Barker 2006). Most women were not so lucky, and must organise themselves well to combine household and other activities. It is however important to recognise that changes in gender roles are long-term processes. The gradual changes that are taking place, like husbands helping their wives and vice versa, should be recognised and supported through State programmes, including reparations.

One example of a woman who broke through gender roles is Josefa, Palizua's female leader. She was one of the key persons involved in the community's return to their land after displacement, occupying the land for months in makeshift huts challenging rain, heat, hunger and mosquitoes, whereas most women only returned when the resettlement had been guaranteed. People both in La Pola and La Palizua talked about Josefa admiringly, commenting that she was such a hard worker, and how she was like 'a *macho*' – at the same time criticising her husband for being 'no use' and a drunk. The fact that she was the only woman expected to perform both male and female tasks was demonstrated when people saw the Photovoice booklet of Palizua which included a photo of a woman milking a cow. People assumed that this must be

Josefa, since she was the only woman they knew who milked cows in Palizua. The image however showed another woman, visualising how she worked to maintain her family in times of great difficulty, when her husband worked outside of the village. The image represented a painful memory and she cried while presenting the photo to the group, because although it gave her a feeling of pride, it also represented the hard times she experienced (see Image 12). This echoes Lemaitre's (2016) comment that caring for others, though based on women's stereotypical gender roles, can also create a sense of pride, for having demonstrated agency in maintaining the family in difficult times. The fact that gender roles are in practice not so rigid as is imagined or socially expected also means that there are spaces for subversion of gender norms, and that their weaknesses can be reworked (Butler 1993). Education about gender roles could play a key role in this.



Image 12: ‘This is the photo where I am milking. I don’t milk anymore, my children do it, or my husband. (...) But this is like I said, the way I raised my children, and therefore it is like a motive of pride, because I had to do it when my husband was out working’ (Photograph by Alexandra, January 2016, Interview 25 February 2016).

Women's organisation, agency and citizenship

Although community organisation is now largely male dominated, before displacement both communities had a relatively active women's committee. Some of the older women sometimes talked about these committees, which were organised locally, held regular meetings and were able to obtain several funded projects that benefited the communities, such as the school and health centre in La Pola, and projects to breed goats in both communities. These committees were in close contact with ANUC UR, which provided them with trainings on health care, alimentation, maintaining vegetable gardens and the like. Nevertheless, upon return from displacement these committees no longer existed. Many of the 'old' women did not return from displacement, and the younger women had no experience in organising. This loss of knowledge about women's organisation and participation in the communities contrasts with the improved legal framework for protecting women's rights, of which women became more aware through their participation in trainings and meetings with the State and civil society, as Claudia explained:

Before, there was inequality between the man and the woman. I am the man and I am in charge. But nowadays the government says: there is equality. If the man is in charge, the woman is in charge too (Interview with the researcher 5 October 2015).

Yet in spite of this formal equality, women's participation in Chibolo was not equal. This reflects León and Deere's (1997) comment that to have rights and to demand them are separate things. Demanding them requires a process of 'personal, family and collective empowerment'. The accompaniment of and attachment to – rural – women's organisations could enhance this, through their pedagogical function of showing how rights can be demanded (Jelin 1996, León and Deere 1997). ANUC UR used to play this role, but as its leader explained, after having been hit hard by repression during the conflict, they no longer have the resources to provide the same type of physical and political accompaniment (Interview with the researcher 30 October 2015).

There were however a few female leaders, especially in Palizua, who insisted on women's renewed organisation. Taking advantage of some visits by CJYC and ANUC UR, and later my own meetings as part of the Photovoice process, women started to come together, although attendance was irregular. In general, most women considered a

women's committee as a way of obtaining livelihood projects to improve their economic situation, to develop skills through trainings, start a small women-led business or cooperative, lobby the local or national government for the improvement of the basic services in their communities, and organise activities for young people or to commemorate the past. Others also mentioned that women's meetings provided a distraction from their everyday tasks, and an opportunity to leave the house and talk to other women. According to Josefa, it was important to show the women that they can do more than just their household tasks, because 'otherwise we are only born, have children and die' (Informal conversation 21 August 2015).

In spite of these perceived benefits, different factors complicated women's organising process. Rigid gender roles form part of the explanation. These were in part imposed by men, who insisted that their wives cooked and took care of the house. At the same time these roles were strongly interiorised in the women. Even though many of them complained about being a 'slave to the household' or being isolated in their houses, they often still prioritised household tasks over coming to the meetings, since as Kabeer (2012) explains, these tasks were seen as part of the contract of family life, and neglecting them could provoke reproof by their husbands. Also their peers' opinion restrained women's participation. Gossiping is an effective strategy for cultural learning, communicating information about the codes of conduct and moral rules in a society (Baumeister et al. 2004). In terms of gender, gossip functions as an ethical and moral pedagogy about the rules and limits of femininity and motherhood (Lagarde y de los Ríos 2014), thus working like a 'gaze' which makes people feel they are being policed, forcing them to normalise their behaviour to fit into expected social roles (Foucault 1980). Gossip is especially common and effective among women, who generally do not dare or are not expected to participate in public meetings, and thus use gossip as a tool for socially discrediting other women who were seen as potential rivals (Lagarde y de los Ríos 2014). An effective example of this took place in La Pola. Paola, in her twenties and whose husband lived in another city, participated actively as the association's secretary, in the reparations process and its trainings. Working closely together with community leader Diego, rumours went that she was having an affair with him. These rumours intensified when she became pregnant, and they eventually led her and her mother to withdraw their active participation in community meetings. A similar

scenario happened in a nearby community, where a young female leader was forced to step down by her husband when people started to spread rumours about her. Gossip is thus an effective control mechanism, especially to constrain women who transgress gender norms in a strongly patriarchal society.

Participating in activities outside of the household was only justified for legitimate reasons, like going to church, activities related to the family, or seeing the psychologist as part of the reparations process. These are what Helms (2013) calls 'respectable social outlets for women'. Some women therefore considered that the absence of funded projects that would enable them to generate income explained women's reluctance to participate. Only by having a group project would women feel able to justify their participation in activities outside the household. Men's attitude towards women's participation confirmed that women's committees were seen predominantly as a way of generating income. Surprisingly, those who often seemed to insist most on women's organisation were the male community leaders. Although I initially understood this as a sign of male emancipation, I later came to understand that the men believed that women were more likely to obtain projects to improve the wellbeing of the communities, especially in a post-conflict context (Informal conversations 3 September 2015 and 19 January 2016). This was also evident in the way in which one of Palizua's leaders tried to influence the women's decision about a potential livelihood project. Put simply, he considered the project the women chose unlikely to generate much income for the communities.

Although concern for performing their household tasks was often used as an excuse for not attending meetings, the reluctance to participate went deeper than practical obstacles, and also had to do with a lack of confidence, not being used to voice their opinions in a deeply patriarchal culture in which men represent the families. Ana often mentioned she was afraid to participate in meetings because she could not read or write, whereas 21-year-old Jenifer told me she was too nervous to speak in front of the other women. Leaders like Josefa or Lucía, and some other women who participated more actively in the meetings, expressed their frustration at the apathy of the others (Meeting notes 2 December 2015, Informal conversation 7 March 2016). Others at their turn expressed dissatisfaction with these female leaders, who they felt were undemocratic and tried to benefit their own families more than others. This demotivated

some women from participating. Socio-economic inequalities within the communities also played a role in this discontent. This was especially evident in La Pola, where some of the most active women of the women's group belonged to somewhat wealthier families. They were therefore less preoccupied with guaranteeing the provision of basic services for the communities, and more keen to organise social activities like community parties. During my return visit in May 2017, several women told me about discontent among the women's committee because of the initiative taken by some to organise community celebrations, which involved millions of pesos obtained from local politicians. Although community activities are no doubt important for building close relationships among community members, this money could also have been spent on projects with a longer-term impact on the community's living conditions (Informal conversations 7 and 8 May 2017). This not only shows the impact of socio-economic differences on community organisations and the risk of 'elite women' pursuing their own goals (Cornwall 2000) which can lead to discontent with leaders, but also the passivity of the other women, who in spite of this discontent did not come with suggestions and initiatives of their own. Echoing wider community dynamics – discussed in Chapter 6 – few women were eager to take over leadership roles. It should however also be noted that in La Pola some young women like Inés and Jackeline were becoming more involved in the farmers' association, participating in trainings and meetings related to the reparation process. This reflects how changing gender relations is a generational process.

Factors obstructing more active citizenship for women

The passivity described above reflects a weak sense of citizenship in the women in these communities. Citizenship can be used as an analytical tool to analyse women's subordination (Lister 1997). It is necessary here to explain what I mean by citizenship. I understand citizenship as a political identity in which individuals actively demand their citizenship rights according to the rules of a shared political community, based on a sense of political autonomy (Mouffe 1992, Taylor, L. 2004). Beyond citizenship being a legal status in which citizens are passive recipients of their rights, citizenship can be understood as a practice, which is not empirically given but constructed, involving civic duties of participation (Jelin 1996, Kabeer 2012, Mouffe 1992). This also means that

people can have formal citizenships rights, but lack the possibilities or knowledge to exercise these, being constrained by social, economic and political structures that tend to exclude certain groups, including women (Bareiro 1997, Kent 2016). Agency is crucial to citizenship (Lister 1997). Agency can be described as the capacity to consent, dissent or negotiate (Kabeer 2012) in order to make a difference to the pre-existing state of affairs (Giddens 1984). It is constrained by wider structures of (gendered) power relations, which can fluctuate over time and place and across social and political contexts. Agency can vary from reactive to pro-active, and be exercised in formal or political, and informal spaces, including in women's everyday lives (Björkdahl and Selimovic 2015). This sense of active citizenship (Molyneux 2010) is lacking in Chibolo, even more so among women. Patriarchal values that stress women's submission and passivity partly explain this (Lister 1997), but other factors are also at play.

One such factor is the popularity of conditional cash programmes in Latin America. These programmes provide cash or goods, generally to mothers, in return for complying with medical check-ups or school enrolment for their children (Farah Quijano 2009, Lloyd-Sherlock 2008). These programmes aim to increase human capital through improving health and education, while economically empowering women. In reality however they risk reinforcing women's role as carers in their families, reduce poverty only modestly, while making people dependent on government subsidy (Farah Quijano 2009, Lloyd-Sherlock 2008). Such programmes were also implemented in Chibolo, for example through the PAIPI²³ programme in which young mothers received food and household products in return for weekly meetings and medical check-ups of their babies and toddlers. Josefa often complained how the young mothers in Palizua did not participate in the women's committee, but never missed a single meeting hosted by the PAIPI programme (Informal conversation 19 November 2015).

These programmes can lead to a vicious circle that ultimately has the potential to frustrate women's nascent organisation. They reinforce the idea that simply attending meetings is enough to receive support, whereas they do little to effectively increase women's agency. The effect of this type of paternalist programmes is palpable in the women's groups, especially in Palizua, as Ligia's comment made clear:

²³ PAIPI stands for *Programa de Atención Integral a la Primera Infancia* – Programme for Integral Attention for Early Childhood.

L: You have to attend the meetings, because we have been told: you have to attend the meetings. If one doesn't attend the meetings and doesn't sign the, how is it called?

SW: The register?

L The register, you have to sign it. Otherwise they don't tell us when the help comes (Interview with the researcher 15 December 2015).

Even Palizua's leader Josefa who insisted on the need for women's organising showed this lack of agency, insisting that there was no need to lobby for infrastructural or women's projects, since these would arrive with the land restitution sentences (Informal conversations 19 November 2015, 7 January 2016). At this moment projects can ostensibly be obtained through the reparation process or through the organisations that currently accompany the communities. Yet once the reparation process ends, it is hard to see how women's organisation can be sustainable, since women do not have the skills or knowledge to apply for these projects themselves, while they are not used to undertake lobby activities to make their needs heard or explore other ways to improve their situation

This expectation of receiving benefits without clear obligations in return can lead to a culture of entitlement (Hammett 2008), which is closely related to the weak version of citizenship that is characteristic of the clientelism that has historically been strong throughout Latin America, including Colombia (Taylor, L. 2004). In this system, the population is not seen as full citizens, but as 'client-citizens' who should be grateful for the favours done to them in return for their political loyalty to often authoritarian and populist leaders (Grupo de Memoria Histórica 2010, Jelin 1996, Pearce 1990, Taylor, L. 2004). This contrasts with citizenship, which is based upon the notion of rights that can be claimed through autonomous political agency, therefore requiring a duty and responsibility of civic commitment. During my fieldwork I experienced how this clientelist system was still in place, particularly during the time of local elections in which votes were exchanged for the selection of strategic functions such as local nurse or for the inclusion in development projects, producing tensions within the communities (Field notes 14 October and 15 December 2015, 16 January and 24 February 2016). Echoing the wider Latin American trend that Taylor (2004) describes, people fell for the charismatic promises that political leaders made, which made them feel taken seriously

by a State that was finally on their side. The circus of mobilisations that were repeatedly held in Chibolo in election time gave people a feeling of agency. Although the rights discourse is strong in Latin America, this is not translated into a more active citizenship or a practice of demanding rights (Jelin 1996). People often prefer the tangible benefits promised by populist politicians over uncertain long-term transformations made by unrepresentative and weak political parties in whom they have lost trust (Domingo 2009, Taylor, L. 2004). Nevertheless, the promises made often offer only short-term alleviation of people's situation of poverty, whereas relations between politicians and voters remain unequal, and structural solutions for inequality and poverty – for example through better access to education, labour opportunities or health care – are not offered (Taylor, L. 2004). Citizenship tends to be even weaker in rural than in urban areas, since like in Asian contexts (Kent 2016), the often weak presence of the State in large parts of the Latin American territory results in a weak understanding of citizenship in rural areas.

This clientelist social system resonates with the earlier described paternalist welfare programmes. They result in 'doing a bit more for the poor' as Lloyd-Sherlock (2008) describes, without disrupting long histories of inequality and social injustice. They risk weakening political agency by forcing people to dedicate considerable time and energy to accessing limited welfare support, while competing with other poor people for scant resources (Lemaitre and Sandvik 2016). This results in a passivity that is often described as the 'syndrome of fatalism' characteristic of Latin American culture (Martín-Baró 1994), which is reflected in resignation and a focus on the present, since the future seems to be beyond people's control. This is related to a culture of poverty, in which a passive attitude is a way of coping with a feeling of hopelessness in a world characterised by injustice (Martín-Baró 1994). For many marginalised groups in Latin America, their position of subordination has thus become 'normal' in the predominant social hierarchy (Jelin 1996). Instead of giving people the tools to overcome their poverty and combat injustice, clientelist politics and paternalist social policies reinforce people's dependency on the State, and their expectation that favours will be done in return for political loyalty or simple requirements like attending meetings or medical check-ups for children. This was evident in how throughout my fieldwork, and perhaps even more so during my return visit, participants constantly complained about how the

corruption at different levels of government obstructed any progress in terms of reparations and the general improvement of their living conditions, while at the same time they showed very little initiative in doing something to combat or protest against this corruption.

This passivity was even stronger for women as a result of the patriarchal social structure that concentrates power in men, who as heads of household ‘speak for’ women. Carmen, one of the women who used to be active in the pre-displacement women’s groups, expressed frustration at the passivity she perceived in the other women:

Carmen said that she didn’t like how the women now only come to the meetings when someone from outside comes. When the meetings are among the women themselves, only a couple of women show up. She said that before displacement they always met up with all twenty women of the committee. They would send delegations to Chibolo on donkey, since back then there were no motors. They managed to obtain many things, such as the school and the health centre (Field notes 23 January 2016).

Carmen’s comment points out how women’s once active citizenship was lost and how they have become used to depending on other people and the State, a tendency reinforced by the delivery of humanitarian aid to IDPs and currently through welfare programmes – and the restitution and reparation process as I explain in the following chapters. This shows that citizenship is not a linear process, but that the practice of citizenship can be lost, for example through the disarticulation of forms of social organisation caused by conflict (Bareiro 1997). Yet lost knowledge and practice of organisation and citizenship can be recovered. A positive example was how young community leader Inés, who was trained as a teacher, started teaching other women to read and write, so that they could participate in the trainings that would be provided to the new cooperative. The initiative unfortunately died a quiet death, since in spite of many women’s initial enthusiasm, attendance was low and irregular and Inés soon stopped the lessons (Informal conversations 27 February and 30 March 2016). Another small success was achieved during my stay in the communities. Following some guidance given in a meeting with a representative of ANUC UR, a small group of women from La Pola visited the Health Secretary in Chibolo to demand better health care. Actions like these might make women more aware of their capacity for agency in

demanding their rights, moving from knowing their rights to demanding them. This is not something that is done overnight, as Inés explained:

I see that the women are committed, but they need more of a drive. (...) How shall I put it? We need to value this (women's participation) more, all of us. Because before, the meetings were only for the men. Now women are understanding that they also have an important value in the community (Interview with the researcher 23 January 2016).

As Kabeer (2012) describes, changes in women's consciousness are crucial for the construction of citizenship. These changes however also need to be translated into changes in the family and community, requiring processes of struggle to transform women's traditional role into a more active citizenship (Kent 2016). As Jones et al (2013) have indicated, the relation of citizenship to transitional justice is under-theorised. Throughout this thesis I demonstrate the relationship between agency, citizenship and TJ.

Conclusion

This chapter has described how current gender roles in Chibolo, defined by patriarchal social norms, are quite rigid. Also Latin America's historical pattern of clientelism, reinforced by the more recent trend of paternalist welfare programmes, mean that women's prevailing social and political identity is mostly defined by passivity, devoid of a more active understanding of citizenship. I have however also described how changes are slowly occurring. Subversion therefore seems possible, especially over the generations. In the following chapters, particularly Chapter 8, I describe how reparations can support a longer-term process of building a more active citizenship for women, which can help them to overcome poverty and create more equal gender relations.

Chapter 6. Lived experiences of Colombia's land restitution and reparation process: transforming lives or maintaining dependency?

In this chapter, I explain how the involvement in Colombia's land restitution and reparation process has affected the everyday life of the communities. I argue that in spite of its aspirations, the Victims' Law ultimately failed to transform survivors' lives. I start by explaining the procedures for obtaining land restitution and individual and collective reparations, before moving on to analyse the impact of these on the communities. I outline how the prescribed participation of survivors in the process results in a form of tyranny, by weakening the communities' locally inspired and historic forms of organisation and causing divisions within and among them. I then connect this organisational straightjacket to the Victims' Law's legalistic procedures and the focus on specific types of victimhood, which not only presents an obstacle to reconciliation and social reconstruction, but also maintains inequalities between historically marginalised groups and 'transitional justice entrepreneurs'. I conclude the chapter by suggesting ways in which TJ could prevent these patterns of dependency by reconceptualising the way it involves and addresses survivors.

The procedures of the Victims' Law and their messy implementation in Chibolo

Before explaining the impact of the Victims' Law process in La Pola and La Palizua, it is helpful to outline the procedures that this law puts in place to obtain reparations and land restitution. Land restitution takes place in those regions that have been selected by the Defence Ministry, based on the concentration of land restitution claims and security conditions. It consists of three phases, starting with an administrative phase, carried out by the Land Restitution Unit (LRU) to identify the details and evidence of the dispossessed land and include it in the Register of Dispossessed and Abandoned Land. This is followed by a judicial phase in which one of 39 special land restitution judges²⁴ decides on the specific land restitution case. Cases in which land restitution is opposed, for example by people who obtained or occupied the land after the original owners were

²⁴ These judges come from the civil circuit courts, which are specialised in property restitution. This however also means they are not specialised in human rights law or transitional justice (Amnistía Internacional 2014, Forero-Niño 2012, Meertens 2015).

displaced, are passed on to the higher authority of the magistrates of the land restitution tribunals (Meertens 2015, Ministerio del Interior y de Justicia 2011). In the third phase, the land restitution sentences are implemented. Apart from the allocation of formal land titles, restitution includes a range of additional measures - identified by the judges or magistrates – to guarantee the effectiveness and sustainability of restitution. These measures generally include agricultural and infrastructural projects and social services such as housing and health care. Local State agencies are responsible for the implementation of these measures (Amnistía Internacional 2014, Ministerio del Interior y de Justicia 2011).

The administrative process of land restitution in Chibolo started in 2012 and was carried out by the LRU, accompanied by Corporación Jurídica Yira Castro (CJYC). As one of its former employees explained, this process consisted of repeated visits of a LRU team to Chibolo to gather the required information and inform people of their inclusion in the Register of Dispossessed and Abandoned Land and the progress of their cases (Interview with the researcher 21 December 2015). In 2012 the first land restitution demands were presented to the land restitution judge in Santa Marta, who decided on restitution in some cases and passed on the cases in which restitution was opposed to the magistrates in Cartagena. Evidence of the success of this process was the restitution of land titles to the residents of five out of eight *predios*²⁵ between June 2013 and October 2015. As I explain in Chapter 7, this was crucial for the community members, as it represented a degree of security and enabled them to invest energy and resources in their land. During the first months of 2017, two more *predios* of La Palizua received favourable land restitution sentences. Unfortunately these sentences contained mistakes. In the case of one *predio*, there were some minor issues with the land of one family, but the other case was more serious, since of the seventeen claimants included in the land claim, seven did not appear in the final resolution of the sentence in which the land is officially returned. The involved lawyer of CJYC explained to me that this omission was even more striking because these cases were dealt with by the land restitution tribunal after being passed on by the land restitution judges. The claimants had therefore given their declarations twice (Informal conversation 24 May 2017). Another complication concerned the restitution of La Pola Pequeña – the largest of La

²⁵ A *predio* is a piece of land that can be compared to a sort of neighbourhood within the village, which is divided into several individual properties, called *lotes*.

Pola's five. According to one of the persons involved in the first years of the process (Interview with the researcher 21 December 2015), restitution was considered unnecessary since people in this *predio* had received their land titles in 1994 and it was considered that these titles were still valid and therefore made restitution unnecessary. It was later recognised that this deprived people of the other benefits of restitution, such as housing. Therefore the process to include La Pola Pequeña was started during my stay in the communities. Nevertheless, the *predio* had not yet been included in the Register of Dispossessed Lands at the time of my return visit in May 2017.

Parallel to the State-led process, CJYC maintained their own meetings with the communities. As a former CJYC employee explained, initially their legal and political accompaniment was strong and it was agreed between the organisation and the communities that the State institutions could only work here on the communities' terms – for example with respect to the dates and agenda of the meetings. In fact, according to a former LRU employee, the communities felt more trust towards CJYC than towards the LRU, resulting in the villagers' refusal to be represented by the LRU lawyers. Only after considerable pressure by the LRU did the communities agree to being represented by the LRU. Gradually the intensity of CJYC's accompaniment diminished. This was due to changes in personnel; because most of CJYC's lobby work takes place in Bogotá and they therefore (unsuccessfully) tried to train the communities to undertake local lobby activities themselves; and as a result of fewer available funds and more restitution processes to accompany (Interview with the researcher 21 December 2015 and Informal conversation 24 May 2017). As a consequence, the communities seem to have become rather overwhelmed by the State's presence, and less able to negotiate their conditions for State involvement.

After the first verdicts were reached in 2013, the intensity of the meetings with the LRU diminished. Nevertheless, with the start of the collective reparation process by the Victims' Unit (VU) in 2012, meetings and activities did not become less frequent for the communities. This collective reparation process involved the development of a *diagnóstico de daño* (harms diagnosis) to identify the harms suffered by the communities, on which collective reparation plans were based in a two-year process of community meetings. These collective reparation plans include for example the reconstruction of communal wells and schools, but also the recovery of the

community's authentic forms of organisation, including the women's committee, as well as commemorative activities. The elaboration process proved frustrating for the community members, who felt that not all their expressed needs were taken into account (Interview with the researcher 27 November 2015, Focus group 19 March 2016). This coincides with collective reparation processes in other parts of Colombia, where groups have felt disappointed with the difference between the measures that were designed collectively, and those that were finally included in the reparation plans (Sikkink et al. 2015). As has been described in other countries, this risks undermining beneficiaries' sense of agency and diminishing the legitimacy of the reparation process (Atuahene 2014b, Laplante 2012). Although harms diagnoses and collective reparation plans had been approved by the community members in both villages by the end of 2015, Palizua's plan had not yet been officially presented to the municipality, which is the formal requirement before implementation. Most collective reparation measures had not yet been implemented by the time I finished my fieldwork.

An element of the collective reparation process much valued by the communities was the reconstruction of historical memory. The National Centre for Historical Memory (NCHM) started working in the communities in 2013, holding numerous community meetings, focus groups, interviews, and tours across the communities to feed into the harms diagnosis and reconstruct the historical memory of the communities. In parallel a second team of the NCHM collected historical documents in order to recreate the community archives that were lost as a result of displacement. An additional programme led by the VU aimed to rebuild the social ties in the communities. All of these processes were undertaken by different institutions, each with their own institutional mandates, employing different teams with their own meetings, creating a complicated bureaucracy. An anonymous employee of one of the institutions admitted that coordination among the different institutions has proven difficult (Interview with the researcher 26 October 2015).

Individual reparation consists of different reparation measures and of humanitarian assistance for displaced persons. The latter consists of periodical monetary transfers and the prioritisation of victims in terms of social services as health and education. Envisaged reparation measures are compensation, rehabilitation, satisfaction and guarantees of non-repetition. Rehabilitation measures include psychological and

physical health care, implemented by the Ministry of Health. In La Pola, a psychologist came during various months of 2016 to hold a series of nine group sessions of psychosocial support. No such support had been provided in La Palizua at the moment this thesis was written. Satisfaction measures include a ‘dignification letter’ in which the State apologises for its long overdue debt with the survivors; the search for the disappeared; and the exemption of military service (O’Rourke 2013, Portilla Benavides and Correa 2015). The reparation measure most implemented is compensation. The amount of compensation, made in a one-off payment, depends on the violation suffered. For example, family members of killed or disappeared victims will receive 40 monthly salaries per family, whereas internal displacement allows for a compensation of 17 salaries (approximately 16 million pesos, or around £4400 in early 2017). Survivors who have suffered more than one violation can receive a maximum of 40 monthly salaries. It is not clear how these amounts were established. In the 2008 administrative reparations programme, displacement still gave rise to a compensation payment of 27 salaries (Portilla Benavides and Correa 2015). It is not clear why this amount was lowered, although it might be explained by the massive number of victims registered – 12.7% of the population – of which IDPs compose 82%. This makes compensating all survivors an almost impossible task with the current budget (Sikkink et al. 2015). Compensation is supposed to be delivered in a ‘dignifying act’ and accompanied by training on how to invest the compensation payment (Portilla Benavides and Correa 2015). Nevertheless, the participants in Chibolo never mentioned any of these events. They explained they were just informed they could pick up their compensation payment in the VU office in Santa Marta.

In order to obtain individual reparations, survivors must denounce their cases to the Public Prosecutor’s Office, after which the VU checks their veracity and includes them in the Unified Victims’ Registry. Survivors are then interviewed for the creation of an individual Plan for Integral Service, Assistance and Reparation or PAARI (Portilla Benavides and Correa 2015). The PAARI determines which reparations and assistance measures the survivor will receive. The interview to elaborate the PAARI is usually undertaken by telephone, and involves a series of questions to assess the economic and family situation of the survivors (Portilla Benavides and Correa 2015). Although the VU on one occasion sent a team to Chibolo to undertake PAARIs, not everyone had their

interviews taken. Two people described receiving strange phone calls, according to Pablo by the director of the VU, asking them all kinds of questions, including what kind of food they consumed and whether they were sexually attracted to men or women – most likely in response to the Victims’ Law ‘differential focus’ – after which they were told they would receive compensation (Interviews with the researcher 5 January and 8 March 2016). It took me some time to understand that these phone calls were made to elaborate a PAARI. That also the community members involved did not understand this indicates the general lack of information about the Victims’ Law among its beneficiaries, also expressed by community leaders who complained that the VU never explained the Victims’ Law to them (Meeting notes 15 December 2016). This problem also exists in other parts of Colombia (Amnistía Internacional 2014, Portilla Benavides and Correa 2015). The Victims’ Law is a complex programme set out in a 110-page document with additional protocols and decrees. It is not hard to imagine that people with little formal education or access to Internet have difficulties understanding it in detail. Only in 2015, four years after the law’s adoption, did the VU start sending employees of its programme *Escuela de Reparaciones* (reparations school) to the communities to explain the functioning of the law. The *Escuela de reparaciones*, which aims to train and sensitise State institutions, civil society organisations and victims and their organisations about victims’ rights, seems to be the only outreach programme within the VU.

Most people were confused about whether or when they would receive compensation. Although compensation for displacement is distributed to each family unit, in many families only certain members received compensation while others did not, causing much uncertainty. In other cases, problems with identity documents or mistakes on forms led to family members being excluded from the process, taking repeated visits to the responsible institutions and often years to correct (Informal conversations 22 September and 14 November 2015, Interview with the researcher 19 December 2015). I was often asked for information about the reparation process in general or about specific cases. Lacking information about their cases, community members saw all persons from outside the communities as possible sources of information. I generally had to disappoint them, since I also failed to see the logic in the way the VU distributed reparations. Even though the Victims’ Law stipulates that

compensation, which is paid out of the Reparation Fund described in Chapter 3, depends on budgetary capacity and is therefore implemented progressively (Portilla Benavides and Correa 2015), common sense would suggest it to be distributed to all family members at once, in contrast to what happened in Chibolo. In an interview, the Director of the Reparations Area of the VU recognised that the Victims' Law so far has not been able to live up to its expectations. She explained that since the adoption of the Law, the number of victims has increased from four to over seven million, while the capacity to repair has not grown correspondingly. She recognised and understood that this has led to frustration among victims. In Chapter 7 I explain in more detail the community members' disillusionment with the content of the reparations received and the consequences this has had.

Victim-centred transitional justice: curse or blessing?

The implementation of the Victims' Law has led to the influx of a series of State institutions, international and civil society organisations in the villages, each of them organising different meetings and activities. Some community members mention that these meetings indeed have been important. As has been experienced in other contexts (Firchow 2013, Hovil 2012, Roht-Arriaza 2004), TJ programmes often represent the first time people in conflict-affected communities experience the State in its non-military form. According to involved employees (Interviews with the researcher 29 October 2015 and 25 January 2016), the fact that the State listens to people's experiences and demands is an important step towards the recovery of trust in the State. Patricia in La Pola confirmed this:

P: Those of us here we never really participated, because of fear and all that, and now the institutions are gathering us and that has helped a lot.

SW: You mean that to some degree you have lost fear?

P: Fear, exactly. By meeting, because before this, an organisation would come and nobody even dared to talk (Interview with the researcher 15 October 2015).

Nevertheless, in spite of these positive effects, by the time I commenced my fieldwork people were feeling overwhelmed by the number and length of meetings, which often

took up half a day and consequently required people to take time off from their work and daily activities.

The implementation of the Victims' Law is translated into a plethora of organisation spaces.²⁶ The implementation of the collective reparation plan is guided by a *comité de impulso* (steering committee) in each community, which consists of approximately twenty members. The psychosocial support programme *Entrelazando* (Weaving together) is led by a group of community *tejedores* (weavers). The work of the NCHM is managed by a group of about eight *gestores de memoria* (managers of memory) in each community. These three committees only cover the processes directly related to the reparation process. In addition, the State's social services department DPS implements an additional programme which complements – but does not coordinate with – the land restitution process and has its own steering committee, while there are also municipal and departmental *mesas de víctimas* (victims' tables) on reparation and land restitution which require participation. It should not be forgotten that La Pola also has its own community association of displaced farmers, with six board members and monthly meetings. La Palizua does not have its own community association yet has committees for each *predio*. People there seem little interested in setting up yet another organisation. With so many participation spaces, democracy can turn into bureaucracy (Cornwall 2000), the consequences of which I explain below.

Participation or tyranny?

The numerous meetings and organisation spaces in which survivors are expected to participate to promote and monitor the progress of the different elements of the reparation process reflects the trend towards victim-centred TJ. As described in Chapter 2, this approach centralises survivors' participation in and ownership of TJ mechanisms (Sharp, D. N. 2013, Viaene 2011). Participation in this view is presented as a political right to equal participation and citizenship, aiming to convert people who were previously excluded into rights-bearers (Henry 2004, McEwan 2005, Mohan and Hickey 2004, Roht-Arriaza and Orlovsky 2009). Although this can be seen as an important part

²⁶ Information about these spaces, as well as the social groups within the communities, can be found in the annotated map provided as Appendix 5.

of reparation and its potential for transformation, the desired benefits of participation were not visible in Chibolo, for several reasons.

First of all, these participation spaces do not work very well, the *comité de impulso* probably being the least functioning of all. People in both communities, as in other parts of the country, mentioned that the *comités de impulso* were formed without proper instruction. As a result, some of its members did not know what they were expected to do except for attending the meetings (Informal conversations 24 August, 3, 5 and 22 September, 5 December 2015). Participation in this and other committees was therefore irregular, leading to reproaches by the State institutions that created them. In order to overcome these informational and functional problems, the State as well as accompanying international and civil society organisations organised training workshops to help people understand and perform their roles (Field notes 14 October, 12 November and 15 December 2015). These trainings targeted the numerous communities involved in collective reparation processes around the country and were therefore generally held in Bogotá, Santa Marta or Cartagena. Although travel and lodging were provided, these trainings required an investment in time, since travelling from the communities to Santa Marta or Cartagena easily takes five hours.

It is commonly recognised that reparation programmes are often more challenging than other TJ measures, since they tend to involve a wide range of badly coordinated government agencies (Roht-Arriaza and Orlovsky 2009). This is also the case in Colombia (Meertens 2015). In two out of three community meetings that I attended (15 December 2015 and 10 March 2016), the VU made serious efforts to make clear that other institutions were responsible for most of the reparation measures and that the lack of reparation results was therefore not in the VU's control. On some occasions (Meeting notes 3 September 2015, 10 March 2016) the VU however also seemed to place the blame for the slow implementation of collective reparations on the beneficiaries, as a result of the poor functioning of victim participation spaces. They told the communities to start 'getting their house in order', to know the Victims' Law and its protocols, attend municipal meetings – which the municipalities repeatedly failed to convoke – even indicating that most of the work needed to be done by the communities and not by the VU. Making the communities responsible for their own reparation through their participation in the *comité de impulso* does not only seem

unfair, but can also make people feel responsible for their own situation of poverty. This turns participation into a form of governance of the targeted population instead of a solution to the problem (Jakobsen 2014). Moreover, inviting people to participate is not enough to enhance citizenship skills, as this should involve the building of political capabilities for engagement in democratic processes (Cornwall 2000). If the *comités de impulso* were really intended to give an impulse to their reparation processes, they should be adequately trained on the required skills to lobby the wide range of local and national State institutions involved in the implementation of the often complicated collective reparation plans. The meetings I attended with the communities and *comités de impulso* never provided this sort of training.

The unfair expectations placed on the *comités de impulso* was a perception shared among the community participants. Similar to people from other communities involved in collective reparations processes, they expressed the feeling that the VU had created the *comité de impulso* in order to share the responsibility for reparations with the community, instead of the VU taking all responsibility (Field notes 19 November 2015, Focus group 19 March 2016). This dovetails with observations of how TJ can sometimes place responsibility on the survivors, which can be felt as an additional burden (Laplane and Theidon 2007, Millar 2015). During an exchange meeting that was organised by the United Nations among *comités de impulso* in different parts of Colombia, members of these committees expressed feeling a large responsibility towards their community, while simultaneously feeling powerless in their role of steering reparations, as they perceived that the local governments did not pay attention to the *comités de impulso*, which lack a legal status (Field notes 10 and 15 December 2015). Meanwhile, expectations among the community members were usually high after the participatory elaboration of the reparation plans, while the implementation of these plans left much to be desired. The inability to live up to community expectations can ultimately make people feel powerless and frustrated, wasting their time in participatory spaces that are not producing any changes (Kelly 2004):

Sebastian and Tomas were complaining about all these different meetings, *maricadas* (bullshit) according to them, which cost a lot of money but don't change anything for the people. According to Sebastian, instead of improving the situation of the people, all the money is spent on the salaries of the public employees (Field notes 17 October 2015).

By insisting on these prescribed forms of organisation, the Victims' Law demands a narrow form of participation and a specific way of claiming one's rights, which is not likely to be replicable in other, non-reparation contexts as is envisaged by theories on 'victim-centred transitional justice' and participatory development (Hickey and Mohan 2004a, Roht-Arriaza and Orlovsky 2009). The message is not only that the survivors should work hard to make their own reparation a reality, but moreover that they should work in a specific way, as facilitated and prescribed by the State in 'invited spaces', risking a weakening of the 'popular spaces' of the communities (Cornwall 2004, Vincent 2004). Echoing other contexts like South Africa, it is not clear if these spaces are created with real emancipatory intention, or whether they rather intend to 'domesticate' participation and deflect attention away from other, more political forms of action (McEwan 2005). Although the VU encouraged the communities to have their own meetings instead of leaving the decision-making for meetings with the State, the State-prescribed form of participation was so time-consuming that there was ever lower interest for the communities' own organisation. People expressed fatigue and boredom with all the meetings. At the time of my return visit to Chibolo in May 2017, the members of La Pola's community association had almost halved from over 60 to under 35. Palizua's leaders repeatedly expressed that as farmers, used to active lives working on their land, they preferred actions to these endless 'participatory' meetings (Field notes 19 November and 10 December 2015). This State-prescribed participation risks fracturing and depoliticising community organisation and undermining local strengths, demonstrating how aid can cause harm (Anderson 1999). This runs counter to the measure of 'recovery of the community's organisational spaces' included in La Pola's collective reparation plan.

Moreover, many meetings often involved undertaking similar exercises and answering the same questions to different institutions or even to different persons in the same institutions, due to high staff turnover and poor record keeping. This shows that the State's treatment of its personnel ultimately impacts the experience of the beneficiaries of TJ. In South Africa, temporary contracts of the land restitution programme's staff led to high turnover, since staff were constantly looking for more permanent jobs (Atuahene 2014b). A similar thing seems to happen in Colombia, where the NCHM researcher explained that most of the staff in the SNARIV institutions are

given temporary contracts, providing little security to the staff and making it difficult to accompany communities on a constant basis in long-term processes (Informal conversation 3 May 2017). As a result, many participants felt that the participatory process had not led to the results that were promised, making it feel like a waste of time:

Alejandro seemed sceptical about the meeting. He said he's been here for six years going to all the meetings, and now he has even less than when he came here. He said they have drawn La Pola, its past and future at least twenty times and nothing ever changes (Field notes 10 March 2016).

A man from Palizua kept repeating how fed up they are with the land restitution and reparation process. He feels that after all they have suffered now they are being treated like puppets, without respect, and kept busy with endless meetings without any results (Field notes 11 November 2015).

The comments the people in Chibolo and other communities made about the VU's behaviour are reminiscent of clientelism – a phenomenon explained in Chapter 5. A clientship relation is characterised by inequality between patron (State) and client (survivors), defined by factors like patient time and compliance with the treatment regime (Ronsbo and Jensen 2014). This resonates with several aspects of the VU's behaviour. Unequal relations were apparent in the VU's tendency to treat people in ways that in my understanding were infantilising. This was also experienced in other contexts in Colombia (Portilla Benavides and Correa 2015). In some of the meetings I attended, the community members were asked to play games, like one called '*Si la necesita, la recibe*'²⁷ in which they were asked to repeatedly shout this phrase like a mantra. This risks reinforcing an image of survivors as less educated and therefore less capable of having conversations on equal terms.

²⁷ '*Si la necesita, la recibe*' means 'If you need it, you receive it'. This message contradicts the repeated reproaches by the VU that if the people do not participate in the required way, they cannot expect to receive reparations.



Image 13: The game ‘*Si la necesita, la recibe*’ (Photograph by researcher, December 2015).

Furthermore, the VU only came once in a while – approximately once every three months, although during my return visit in May 2017 the participants complained they had not yet seen the VU in 2017 – on short visits without respecting the time, agendas and procedures of the communities. On at least three occasions, activities and meetings were convened but unattended by the VU, leaving the entire community waiting in vain. Meetings outside of the communities were frequently rescheduled, or even cancelled with such late notice that people were already on their way. Reminiscent of experiences in other contexts such as South Africa as described by Atuahene (2014b), these actions fail to make people feel included as full rights-bearing citizens. They rather suggest that the process is designed around the needs and time of the VU rather than the beneficiaries, reflecting unequal power relations. These actions also suggest how, as in other countries (Bueno-Hansen 2015), different temporalities are at play between TJ stakeholders and beneficiaries. The communities moreover repeatedly complained about the format of the collective reparation plans, which they found hard to read because they were written in very small letters (Meeting notes 15 December 2015, Focus group 19 March 2016). The use of complex methods and documents also suggests an inequality between ‘the consultants and the consulted’, whose recommendations are often ignored or opposed (Anthias and Yuval-Davis 1992: 179).

Participation was thus undertaken in a managerial way, in which participants needed to take decisions in narrow timeframes, while bureaucratic requirements and tight budgetary and reporting deadlines were prioritised over the well-being of the participants, who became objects rather than subjects (Kapoor 2004). An illustrative example was the VU's participatory approach to deciding how to spend the remaining budget for 2015. After asking the community of La Pola which reparation measure they would like to see implemented, the VU strongly recommended the budget to be spent on a commemoration. In spite of several other suggestions by community members, eventually it was 'decided' – or rather imposed – that a commemoration would be best (Meeting notes 3 September 2015). Although the community wanted the commemoration to be held during their annual celebration in November, the VU never actually provided the required funds – not in November of 2015, nor in January 2016 which was another significant date for the community, as according to the VU this was too early in the year for budget to be available. And so at the time of the writing of this thesis, no commemoration had been held. This lack of commitment was not lost on the community participants:

One sees that the institutions are eager to show something. But in reality, there is nothing! I mean, what we are saying is that they²⁸ are only interested in coming, gathering five people and taking the pictures (Focus Group 19 March 2016).

This way, participation seems a form of tyranny, legitimising the State's actions for being 'victim-centred' rather than opening a space for the beneficiaries' genuine participation as rights-bearers (Cooke and Kothari 2001, Gaventa 2004, Hickey and Mohan 2004b, Kapoor 2004). This not only risks diminishing trust in the government, but can also make people feel even more powerless.

Impacts on leadership

Another effect of the way participation is designed, is that stakeholders tended to work and communicate predominantly with the community leaders. This is understandable, since the largely dysfunctional steering committees for the different processes meant that the community leaders were generally best informed about the state of the processes

²⁸ The names of the programme and person in question have been removed to maintain anonymity.

and most used to speaking in public. But this focus on a limited number of key persons is problematic. First of all, as McKenna and Main (2013) have indicated, it is important to recognise that leaders tend to have a particular, often privileged position in the community, sometimes based on their socio-economic status. Their position might therefore be unrepresentative, which can influence the information provided or the persons whom they provide access to (McKenna and Main 2013). Depending on certain key figures in a community therefore risks disregarding or exacerbating already existing divisions and power imbalances by relying on a limited number of ‘empowered’ individuals, while the effect of this empowerment on the wider communities is unclear (Gaventa 2004, Weber 2016a).

In both La Pola and La Palizua I noted divisions and discontent towards the leaders, ranging from questions about why certain people were leaders, since ‘they were not even here when we were displaced’, to suspicions of corruption and the disappearance of funds for specific activities (Weber 2016b). As was also experienced in South Africa (Atuahene 2014b), the overreliance on key persons might backfire against these individuals. The lack of results together with the lack of information made people question their leaders, wondering if the representation of their communities was actually their prime motivation, or if they rather enjoyed travelling (Informal conversations 17 December 2015, 7 January and 25 February 2016). Moreover, the knowledge acquired in the trainings these leaders attended was hardly ever transferred to the wider communities, reinforcing discontent (Informal conversations 5 and 8 October 2015, 10 April and 25 February 2016). It was unclear whether the institutions were aware of these divisions and power dynamics, and of their own role in reinforcing them, since their infrequent and short visits made it difficult to gauge the depth and impact of the tensions.

It should however also be noted that in spite of complaints about their leaders’ prominent role, most people did not wish to be actively involved. Their priority was to work on their land, make a decent living and receive the reparation they believed they deserved. This was hard to combine with a more active role in the reparation process. Some of the community leaders had almost become professional reparation leaders, albeit they were unpaid, while the time-intensive trainings – sometimes there were different trainings or activities on several days of the same week – prevented them from

working on their own land (Field notes 14 September, 6 October and 1 December 2015). This can create significant personal consequences. The family tensions of La Pola's committed leader were well known. His being away almost every week, attending meetings and trainings, provoked marital problems. His wife and five adolescent children lived in a house that was falling apart, while their eldest son often had to replace his father in working on the land, obstructing his possibilities to finish secondary school. This created difficult situations and dilemmas for some of the more active community members, who would like to step down from their roles within the different reparation and community organisational spaces, but at the same time felt they could not leave their leaders without support. The leaders at their turn felt that the process would stagnate if they stepped down (Informal conversations 14 November and 16 December 2015, 23 February 2016). Although it is hard to prevent this type of discontent about leadership altogether, there are ways of working that would do less harm to the social relations and could build greater trust within the communities. If institutions were to insist on a more balanced participation in their activities and a greater transferral of knowledge throughout the communities, if they organised less frequent and more coordinated meetings – for example through appointing one SNARIV focal point per community who would be in charge of the different processes (Firchow 2013, Roht-Arriaza and Orlovsky 2009) – or simply organised community meetings instead of outside trainings, these problems of division and suspicion could be reduced.

Another problem was the lack of gender representation in the communities' leadership. As I discussed in Chapter 5, attendance and active participation in community and other meetings was mostly male-dominated, as rigid gender roles predominantly restricted women to household tasks. This was exemplified by the fact that in the *comité de impulso* in Palizua, made up of representatives of all *predios* of the community, some *predios* had no female representative whatsoever. Although the institutions and especially the international and civil society organisations always insisted on an equal representation of men and women, it was sometimes hard to convince women to participate, especially in the trainings and meetings outside of the communities. Participation was therefore often limited to the same few women who had obtained their husbands' permission to travel or who felt secure enough to leave their

household tasks for a couple of days – therefore generally excluding women with young children. This is nothing new. In participatory development the obstacles to women's participation and measures to improve this have been on the agenda for over a decade (Cornwall 2003, Roht-Arriaza and Orlovsky 2009). Nevertheless, these lessons seemed to have gone unnoticed by the VU, who did not use methods to facilitate and increase women's participation during the community meetings I attended in relation to the Victims' Law. If existent at all, their 'gender perspective' was limited to the formal, quantitative rather than qualitative participation of women. Some gendered dynamics were even confirmed instead of challenged. For example, meetings ordinarily ended with a lunch cooked by community women, which meant a number of women could not attend the meetings for performing their traditional gender role of providing food for those – mostly men – who performed the public functions (Field notes 7 October and 15 December). This problem seems easy to avoid, either by planning shorter meetings so that a simple snack suffices, or by bringing lunch from Chibolo.

The risk of romanticising 'the local'

Apart from the aspects already described, there are other risks involved with the implementation of the reparation process. During my fieldwork, I came to understand that people in La Palizua felt that most attention went to La Pola (Informal conversations 25 August 2015, 22 January 2016). La Pola received two visits from President Santos, its community centre was restored as a reparation measure, it had a health centre and better-equipped school, while land restitution also advanced faster there and the non-reparation related State welfare projects implemented there did not exist in La Palizua. Moreover, since La Pola is closer to Chibolo and connected through better accessible roads, meetings with the State institutions were often held in La Pola, forcing the people from La Palizua and other communities to travel. People in La Palizua often mentioned that La Palizua was forgotten about, even though it had always supported La Pola, since these communities used to be very close. They felt that a hierarchy existed between the different communities. People in La Pola on the other hand explained that the State support was the result of their hard work and lobby activities, whereas they considered the people in La Palizua rather lazy and unorganised,

trying to piggyback on La Pola's success (Informal conversations 4 December 2015, 2 March 2016).

This discontent came to a head in the last months of my fieldwork, thanks to a well-intentioned but badly executed idea of the UN and the LRU. These institutions had managed to obtain funds to assist La Pola, La Palizua and two neighbouring communities to form a cooperative to collect their milk and sell it for a better price. This plan, though responding to a strong desire of the communities, to me seemed doomed to fail, as the cooling and transportation of milk requires electricity and good roads, neither of which are found in these communities. Nevertheless, the plan generated high expectations and was followed through, until the moment when the location of the milk-cooling tank had to be decided. La Palizua insisted that the tank should be placed in their community, since electricity was already installed in one part of the community – a paramilitary inheritance. La Pola insisted it should be in their community, for being more central and better accessible. The meeting ended, to the institutions' despair and surprise, with both communities agreeing that they would rather have no project at all than having it in the other community (Informal conversations 26 February and 6 March 2016).

Another example of unintended harmful actions by accompanying institutions took place after my fieldwork, and was discussed extensively during my return visit in 2017. During his second visit to La Pola in July 2016, President Santos promised that the houses of La Pola would receive electricity in the form of solar panels. It was later decided by the local LRU representative and a local politician – who owned a plot of land in La Palizua – that since electricity allegedly was about to be installed as part of the restitution process, and La Pola would be the first to be connected to the electricity network, the solar panels would be allocated to those farthest away from where the electricity cables would once run. Beneficiaries therefore included some people in La Pola but also people from La Palizua – many of whom family members of the involved politician – and neighbouring villages Canaan and Bejuco Prieto. The people close to La Pola's village centre were outraged, since they were promised electricity and they felt corruption was involved in the allocation of the solar panels. The fact that they had all been asked to pay 30,000 pesos (approximately £7.50) increased their indignation. Apparently this contribution was needed for the posterior installation of electricity, but

since people were not explained or did not ask details about the reason for this payment, they felt they had paid for others to receive the electricity they were promised. Irene from La Palizua mentioned that some people from La Pola were so angry that the solar panels would now also go to the other communities that they threatened to burn the truck in which the solar panels were transported. The truck had to take another route as a result (Informal conversation 11 May 2017). According to an employee of the UN World Food Programme, this incident had almost made the newly formed cooperation collapse, since people from both communities started blaming their leaders and suspecting them of corruption (Informal conversation 9 May 2017).

That well-intentioned institutions caused these divisions to surface can be traced to the earlier mentioned working method of most institutions, who come for short visits, talk mostly to the leaders without having a thorough understanding of the social dynamics within and between the communities. Most stakeholders seem to have a romanticised idea of working with closely united farming communities. Although ‘community’ evokes a sense of unity based on similarity, and offers promises of hope (Brent 1997), this unity is often largely imaginary. Reality tends to be characterised by the existence of a multitude of networks, interests and identities, which compete over the meanings and boundaries of community, often resulting in feelings of fear, anger and jealousy (Hoggett 1997). The divisions and hierarchies in communities tend to be even stronger in post-conflict situations, where the ties that held communities together are often severely damaged, whereas post-conflict reconstruction processes sometimes benefit some survivors more than others (Kothari 2001, Lundy and McGovern 2006, MacKenzie et al. 2007, Robins and Wilson, E. 2015). Stakeholders appeared to be unaware of this, even though community members often expressed their regret at the lost unity. One community member expressed this clearly:

Juan said that perhaps with this disagreement about the milk-cooling tank, the institutions will finally understand that these communities aren’t that united. Perhaps they were during the time of the violence, when one community would come running to help the other, but by now, they are not ‘sister communities’ anymore, but merely neighbours (Field notes 24 February 2016).

The mismatch between assumptions about the unity of ‘the local’ and the more complex reality can do harm by antagonising communities or further fragmenting them (Brent 1997).

The disconnect between State and communities

This mismatch shows the existence of a disconnect between ‘transitional justice entrepreneurs’ and communities. This is in part explained by the legal focus of TJ. Although law is seen as a neutral way to deal with post-conflict reconstruction, it is often abstract and far away from the lived realities of those affected by conflict (Nagy 2008). Most of the stakeholders I spoke with were committed and capable, many of them lawyers recruited from civil society organisations. Nevertheless, most if not all of them came from and lived in major cities, and many did not seem to fully understand the context in which people lived. This was clearest with the staff of the VU. On one occasion (Meeting 3 September 2015) I heard them blame the communities for not following up on their individual reparation processes, failing to understand that the required procedures are not only complicated for people with little formal education, but also costly because of the repeated trips to Chibolo or even Santa Marta required. On another occasion they cancelled the transportation arranged for the communities’ attending a commemoration meeting in Santa Marta at the last moment, asking them to arrange private transportation instead (Field notes 9 April 2016). Apparently they did not realise that transportation in these communities is limited to motorcycles and donkeys, and private vans are hard to arrange on a last-minute notice.

But others risked losing touch with the needs and demands of survivors too, moreover failing to identify possibilities for the transformation of structural inequalities. A land restitution judge for example considered that land restitution sentences should be adapted to the living conditions of the survivors and therefore include, for example, solar panels instead of electricity, since the company responsible for electrical networks would never earn back their investment in isolated and poor regions. Mules should be provided instead of more technologically advanced options (Interview with the researcher 6 April 2016). This shows a resignation to the existence of inequalities rather than a commitment to their transformation. In another example, an LRU employee tried to speed up the restitution of housing by negotiating their construction in the village

centre, since houses could not be built on plots of land which had not yet been restituted. She was stopped by the community members:

Tomas: Everyone said that (they wanted their house) on the *finca*. Because that's where the houses were burnt down. So how would they build a house there (in the village)?

Julia: And one would have to leave the *finca* alone, and the house here!

Tomas: That doesn't make sense to me (Focus group 18 March 2016).

I heard similar comments about the NCHM, whose work was probably valued most by most community members. Yet Cesar said that the NCHM's work was valued best simply because they were the only ones who actually did their work, but that in the end it would not bring them development, which is what they needed most (Informal conversation 27 November 2015). Although according to the NCHM researcher the historical memory process also paid attention to the communities' present situation, in reality this was hardly the case. Marta in La Palizua complained: 'They are only interested in the past. But they should see the needs we have today. That is why they are not helping us' (Interview with the researcher 26 February 2016). Transitional justice's take on *historical* memory therefore insufficiently acknowledges the way in which memory articulates complex relations between past, present and future (King 2000). This is indicative of how TJ – in contrast with humanitarian assistance's focus on the present – uses the past to assess claims for redress. This can have a depoliticising effect, neglecting the problems of structural inequality that people continue to experience (Gready and Robins 2014, Sandvik and Lemaitre 2015).

These different ways of understanding the consequences of conflict and survivors' needs, reflecting two different ways of life and worldviews, have so far been difficult to reconcile. Resonating with Bueno-Hansen's (2015) description of Peru, the genuine concern and serious attempts by some of the 'transitional justice entrepreneurs' were not able to overcome historic patterns of inequality and exclusion based on class and place. TJ stakeholders' often seemed to find it hard to set aside their professional and westernised background, which often translates into a feeling or image of superiority (Martín-Baró 1994), like one of the persons initially involved in the process explained:

I believe we have to work to change the power balance (...) to achieve that these processes are more horizontal. Because I believe that the people keep seeing the civil servant... and the civil servant continues seeing the people like over there (Interview with the researcher 21 December 2015).

The solution she suggested was to employ – more – permanent SNARIV teams in the communities who would be in charge of all different processes. This would not only help to prevent the bureaucratic challenge of coordinating between different institutions, but also enable the staff involved to work as intermediaries who translate between the different understandings and worldviews of the State and the communities (Merry 2006). Working with a more permanent team would also prevent the community members from feeling the frustration of recounting their stories time and again to different people of different institutions. Comments by participants suggested that the first CJYC lawyer to accompany the communities perhaps best managed to achieve this intermediary role, spending prolonged periods of time accompanying the communities through all stages of the process, even when security was not yet guaranteed (Field notes 20 August and 3 December 2015). His own description of the process was as follows:

My experience of working with them was not an experience of a lawyer who represents the land restitution cases, but had more to do with the process of accompanying a political actor, which is a *campesino* community. (...) And that has to do with some of my personal choices, with professional choices, with political choices around rural issues, around the issue of inequality, but fundamentally around the possibility of the transformation of the rural world (Interview with the researcher 28 January 2016).

As Merry (2006) argues, to overcome the disconnect between the State and the communities who benefit from TJ, the involved stakeholders must make a similar effort of ‘translation’ between these different worlds. This might help them to look beyond the legal TJ framework, seeing it as a project of transformation instead. Rather than imposing forms of organisation and participation, this requires recognising and better understanding the worldview, perceptions of justice and reparations, and ideals for the future of survivors as *campesinos*, and respecting their internal organisational and decision-making processes and timeframes, to create a more horizontal way of relating through genuinely participatory processes (Bueno-Hansen 2015, Martín-Baró 1994).

This would enable the communities to make their own choices based on the ‘translation’ of processes and worldviews. The language and performance of law is another type of translation needed for TJ, which risks undermining survivors’ agency. It is to the legal discourse of TJ that I now turn.

Law and the depoliticisation of transitional justice

As mentioned above, the disconnect between TJ and its beneficiaries is also related to its legalistic procedures and concepts. For example, in order to obtain information about their reparation process, people have to file a *derecho de petición* (right to request information) at a notary or other legal institution. Filing this procedure is not only complicated but also means travelling to Chibolo at a cost of approximately £3, a considerable sum for many. Another procedure used to accelerate or inquire about the reparation process is the *tutela* (Portilla Benavides and Correa 2015). The *tutela* procedure was introduced by Colombia’s 1991 Constitution as a measure for the protection of fundamental constitutional rights. It allows to submit problems of discrimination to any court – supervised ultimately by the Constitutional Court (Morgan 1998). In the end of 2015 La Pola and La Palizua, with the help of CJYC, decided to file a *tutela* to press the VU to make progress with the collective reparation process. This seemed to push the VU to take the process more seriously, and national-level representatives even attended the first meeting of 2016 to show their commitment.

Nevertheless, the use of these mechanisms also has drawbacks. First of all, to be able to undertake legal actions like a *tutela* most people need the accompaniment of someone who is more ‘judicially literate’, like CJYC in Chibolo. Although this accompaniment was with the best intentions, it maintained the communities’ dependence on outside ‘transitional justice entrepreneurs’ to ‘speak for’ them to claim their rights, thereby maintaining unequal power relations (Madlingozi 2010). Those most ‘legally literate’ are often men, who are therefore involved as intermediaries with the ‘transitional justice entrepreneurs’, whereas women tend to be more easily intimidated by legal processes (Balaguer Soriano 2015). This is what happened in Chibolo where Carola, a female leader, explained to me that the male community leaders were in charge of these procedures (Informal conversation 3 December 2015). The use of legal mechanisms therefore not only hinders the restoration of survivors as

equal citizens, but also maintains gendered inequalities and makes it more difficult for women to assume leadership roles.

Moreover, as an interviewee from the legal think tank Dejusticia explained, the use of the *tutela* procedure, meant to protect people from the State, can also have the opposite effect and cause the judicialisation of social policy (Interview with the researcher 28 October 2015). This responds to a Latin American trend in which courts and judicial mechanisms are increasingly used to resolve social and political conflicts (Domingo 2009). This means that public policy is often only implemented when ordered by a judge, giving law precedence over politics and increasing the political power of judges. This is already taking place in Colombia in the area of health and women's rights, in what some criticise as '*tutelitis*' (Morgan 1998: 262). The same has happened in the past with the policies to protect IDPs, which were only designed when the Constitutional Court, after receiving hundreds of *tutelas* ordered the State to protect IDP rights through its decision T-025 (Jiménez Ocampo et al. 2009). This also seems to happen with land restitution, especially in terms of the development measures included in land restitution sentences. As the interviewee of Dejusticia explained, this risks that municipal authorities stop seeing the fulfilment of basic development rights as their constitutional obligation, understanding them as additional tasks assigned through a temporary reparation programme and only to be implemented after a judge decides so (Interview with researcher 28 October 2015). This can cause public policies to lose their weight, which is to be confirmed by the Constitutional Court. This is even more serious since the Constitutional Court has a narrowly defined mandate which focuses on civil and political rights rather than wider issues of social justice (Jiménez Ocampo et al. 2009).

This shows how law becomes a mechanism to 'disguise' power and legitimate the power of the State through the production of a certain type of 'truth' which society accepts through its 'regime of truth' (Douzinas 2000, Foucault 1980). This legal regime is related to the production of documents, files, and the use of specific language in order to connect seemingly unrelated practices, places and people into objective truth (Latour 2010). Colombia's regime of truth privileges a legal discourse, which survivors must acquire and adopt in order to demand their rights. The legal truth regime has a depoliticising effect, as it relegates other, more politically oriented actions of protesting

government policies to the margins (Jiménez Ocampo et al. 2009, Nagy 2008). This dovetails with a comment by the representative of farmers' association ANUC UR. She described how the communities' historic connection to ANUC UR – an organisation with a strong political identity – was replaced with their new relationship to lawyers' organisation CJYC (Field notes 20 April 2016). TJ and its legal discourse mean that the only way for citizens to claim their rights is through the State's judicial institutions (Neocosmos 2006), therefore producing competition between different civil society organisations, with more politically oriented organisations no longer being prioritised or even needed. The anecdote also shows how displacement often impacts people's political and organisational engagements (Celestina 2016), since political conviction and attachment to an organisation like ANUC UR – which was hit hard during the conflict – can be seen as risky, and therefore to be avoided.

I also perceived this depoliticisation myself, especially with Palizua's female community leader. As mentioned in Chapter 5, she repeatedly trivialised the need to lobby for social or infrastructural projects, since these would be provided once all the land restitution sentences had been achieved (Informal conversations 19 November 2015, 7 January 2016) – even though La Pola's experience showed that in spite of land restitution sentences, these measures were not implemented even after several years. This reflects a depoliticisation of the notion of rights, which are no longer seen as basic rights that can be demanded in different ways, but as rights to be ordered by a judge, which only requires patient waiting. Transitional justice's legal focus therefore limits the agency of survivors and weakens their citizenship. This is not to say that law cannot be an important tool for producing change, as has been evidenced in cases such as Brazil, where law has been instrumental in shifting the conception of land as property to land as a fundamental right (Houtzager 2005). This could provide an example for Colombia. But in order for law to produce more structural changes, it first needs to be politicised through collective political mobilisation (Santos and Rodríguez-Garavito 2005). This step is missing in Colombia, where the law is not used as a political tool, but rather risks overtaking all other means of producing social change.

Transitional justice discourse and the performance of victimhood

The legal ‘truth regime’ is also composed of ‘textual matter’, expressed through the use of jargon (Latour 2010). Although language at first sight seems trivial, it is linked to a system of understanding and categorising experiences of those affected by conflict, which risks undermining the project of transformative reparations. As Robins (2012) found in Nepal, the community participants in Chibolo also talked about ‘needs’, in contrast with the interviewed TJ stakeholders, who overwhelmingly spoke about ‘rights’, harms and *hechos victimizantes* (victimising events). The word ‘victim(s)’ was used overwhelmingly by the TJ stakeholders, whereas community members like Carola considered that the ‘real victims’ were those who were killed: ‘those really were victims, because we no longer see them (Focus group 19 March 2016). Although the community participants did emphasise that their experiences had been really difficult, I hardly ever heard them describe themselves as victims. They rather talked about their life as *campesinos* (farmers). People also described themselves as IDPs or *desplazado/a(s)*, a term used less by the stakeholders. Community participants spoke mostly about the link between their past and on-going *lucha* (struggle) for the land and a better future, therefore not only focusing on their experience of victimization but also stressing their agency, while at the same time stressing their everyday social and economic needs. This is also reflected in other parts of Colombia and the world, where survivors prioritise their economic needs (Rettberg 2008, Robins 2009). Stakeholders on the other hand have a backward-looking focus on victimisation, framed in terms of civil and political rights. These seem like parallel discourses that emphasise different sides of survivors’ experiences, reflecting how TJ, in spite of its acclaimed victim-centeredness, often remains an elite discourse which is far removed from the local reality, views and needs of the people it pretends to benefit (McEvoy and McConnachie 2012, Robins 2012).

Learning this rights-based language is needed to benefit from TJ, and State institutions are actively teaching people this new discourse. The VU’s *Escuela de Reparaciones* aims to teach the people about the working of the Victims’ Law. This programme employed games to teach the people how reparations work, including the language of rights, harms and victims, implicitly sending the message that those survivors who best used the TJ discourse and played according to the Victims’ Law’s

rules were most likely to receive reparations. In one meeting (15 December 2015) the VU employee explained to the communities that they were victims and that those who called themselves survivors were wrong, since even though they had survived, they would always be victims. It is therefore unsurprising that the ‘victim discourse’ was creeping in slowly – not least through the names of the Victims’ Law and its institutions. This is reflected by the way in which one of Palizua’s leaders described how the communities identified themselves:

I say as victim community. Because we are one single community and we are all victims. (...) Yes, I believe it is something like victim community, it sounds right. Victim community of Palizua (Focus group 18 March 2016).

La Pola however did not identify itself as a ‘victim community’. Although they recognised that displacement had impacted the community, they did not consider this as a defining characteristic or at least not as a permanent one, as their leader expressed: ‘We have always identified ourselves as a farmer community. That we have been victims is true, we have been victims, but...’ (Focus group 19 March 2016).

These acquired or imposed forms of expression and organisation seem to confirm the idea of TJ as a performance, in which survivors perform a certain role or ‘self’ in a ritual which results in justice and the regaining of their civil and human dignity (Hinton 2016, Millar 2015, Ross 2010, De Ycaza 2010). Colombia’s process of reparations and land restitution can also be seen as such a performance, in which the survivors play the role of victims, who will receive reparations or land restitution if they are registered as victims, can present their experiences in the correct language and in the format prescribed by the Victims’ Law – a harms diagnosis – and if they are organised along the lines established by the Victims’ Law. If these requirements are complied with, the performance or ritual is successful and enables reparations, which should then trigger the restoration of trust between the State and the survivors.

Victim competition undermining reconciliation

The way transitional justice’s legal discourse forces survivors to ‘perform’ victim identities has been criticised by several authors (Madlingozi 2010, McEvoy and McConnachie 2013, Robins 2012). As described in Chapter 2, victimhood is defined by

innocence, those most innocent considered most deserving of reparations. Colombia's Victims' Law creates a clear victim category, defining victims as those who have suffered harm as a result of human rights violations that took place after 1 January 1985. Land restitution is only available for those who were displaced after 1991²⁹. While members of the armed forces can be victims and will be compensated out of a specific fund outside of the Victims' Law, members of illegal armed groups are not considered victims (Ministerio del Interior y de Justicia 2011: art. 3), with the exception of children who were illegally recruited by armed groups. This coincides with victim categories in other countries, where the only perpetrators considered victims are child soldiers or female combatants, who are regarded as less responsible for becoming a member of armed groups, pointing to the lack of agency that victimhood assumes (McEvoy and McConnachie 2012). This categorisation results in a rather narrow binary between guilty perpetrators and innocent victims, neglecting a grey area of people who joined guerrilla or paramilitary groups after suffering violence, or who saw membership as their only viable option in a context of structural inequality and discrimination (Theidon 2009). These 'bad victims' (Madlingozi 2007) are excluded from reparations (Moffett 2016). These gradations risk creating a hierarchy of victimhood.

In addition, the innocence-based understanding of victimhood obstructs the analysis of multiple stories about conflict, since it encourages people to present a 'whitewashed' version of their self, transforming a multi-layered experience with the scales of grey produced by complex protracted conflicts into a neat and innocent victim identity, in order to maintain an image of 'good citizens' who are worthy recipients of government assistance (Moffett 2016). In Chibolo, this led to the erasure of the role of the guerrilla in these communities. Although several informants close to the communities admitted that the guerrilla did have a presence here, and some community participants admitted that some people were indeed involved with guerrilla groups, their role is downplayed or even neglected in order to maintain an image of innocence. This way, innocent victimhood becomes a 'narrative strategy' in the 'economics of memory'

²⁹ Originally the Victims' Law excluded those persons who suffered crimes at the hand of new paramilitary groups (*Bacrim*) which are not considered parties to the conflict. Although the Constitutional Court in 2012 ordered that crimes of the *Bacrim* – often composed of demobilised paramilitary – should indeed be considered as conflict-related and that their victims should therefore be eligible for reparations under the Victims' Law, there are no clear guidelines on this and implementation therefore depends on the decision of individual LRU staff (Amnistía Internacional 2014).

(Theidon 2010: 102). This creates ‘untruths’ in the narrative (Baines 2015: 318) and obstructs the possibility of a more complex account of the past that does justice to survivors’ various experiences and the different choices they made. This limits the space for the analysis of survivors’ agency, and instead portrays them as innocent victims who had no control over their fates.

The innocence-based understanding of victimhood and the ‘rewards’ attached to it in the form of reparation create a hierarchy and competition among survivors as to ‘who is more victim’ and who deserves reparation most, based on claimed suffering (Bar-Tal et al. 2009, Saeed 2016, Shnabel et al. 2013). In Chibolo, divisions existed between three groups. Those who occupied the communities in the 1980s as part of a peasant land occupation campaign were known as the *luchadores* (fighters) for fighting for the control over this land in an initially violent period. In the 1990s, a second group arrived who bought plots of land, therefore known as *compradores* (buyers). These two groups were displaced together. After return from displacement, a new group of buyers came to the land. This group is known as *compradores de buena fe*, which means buyers of good faith, indicating that they obtained the land legally and in agreement with the community. People seemed to feel most connected to those with whom they were displaced. The *compradores de buena fe* were regarded as newcomers who were less deserving of the benefits of reparation, even though in reality they had often been displaced as well, albeit from another location. Even among the *luchadores* and group of pre-displacement *compradores*, who were displaced together, divisions existed. The *luchadores* fought for the land since the 1980s, and felt it was paid for with blood, therefore making the displacement a greater sacrifice. Yet one of the *compradores* repeatedly told me that displacement had been worse for him than for the *luchadores*, since in contrast to them he had invested his life savings in his plot of land. He therefore considered that his losses were greater (Field notes 2 September 2015 and 10 March 2016). I also often heard people questioning the veracity of other villagers’ stories, doubting their ‘deservingness’ of reparations: ‘they were not even here when we were displaced’, or ‘he was still a kid when we were displaced, so why should he now lead the reparation process?’ (Weber 2016b). This ‘competitive victimhood’ (Bar-Tal et al. 2009) was reinforced by the State institutions’ dependence on key leaders, which produced perceptions of some people’s preferential treatment.

This competition also affects wider societal relations among ‘victims’ and ‘non-victims’. Participants in Chibolo often mentioned how during the conflict being displaced was regarded as something negative. A stigma was attached to the displaced, who ‘must have done something’. Nevertheless, when the first support programmes started, the image of IDPs started to change and the strategic value of the IDP category increased (Rettberg 2013). People often mentioned that now ‘everyone wants to be displaced’, as Marta described:

In Chibolo they didn’t want us. ‘You’re displaced, oooh!’ Because the *paracos* were there in Chibolo, and we were farmers and displaced and they didn’t want us. But then the help started coming, the help that they gave to us, and immediately almost all Chibolo registered as displaced people, to receive (Interview with the researcher 26 February 2016).

With the adoption of the Victims’ Law, the category of IDP was turned into a victim category, taking on new value for allowing people to claim reparations that are more far-reaching than the humanitarian assistance previously provided (Meertens 2012). Community participants repeatedly expressed complaints about how in many places people who had not been displaced were receiving benefits like houses. This echoes a more general trend, as a 2012 survey demonstrated that 56.2% of interviewed victims believed that those receiving benefits were only posing as victims (Rettberg 2013). The historic clientelism and corruption in Colombia, combined with the large scale of displacement, enables this strategic use – or rather abuse – of the victim status (Ronsbo and Jensen 2014, Saeed 2016). Ironically, the success of this victim category has therefore also led to its abuse, which at its turn has led to suspicion of corruption. It must however also be recognised that many of the people who ‘abuse’ the victim category might themselves be poor and marginalised. This shows how a focus on a certain type of victimhood can create division and jealousy between those who are poor and marginalised conflict survivors, and those who just ‘happen to be poor’. Only the first category have a right to reparation, while the second category are also in dire need for State support (Duncan 2005, Evans 2016). This competition risks causing a perception among citizens that they do not have equal access to the provision of State services, which can end up dividing fragile post-conflict communities even further,

creating resentment which risks undermining reconciliation and social repair (Anderson 1999, Hammett 2008, Miller 2008, Moffett 2016).

Finding a balance between victimhood and other identities

As described in Chapter 2, the repeated performance of a victim identity can lead to the internalisation or prioritisation of that identity (Butler 1990, Millar 2015). This risks weakening the engagement with or performance of other layers of identity, which are of less apparent use at that particular moment. According to social identity theory (Tajfel 1974), people in an uncertain situation, like the displaced farmers in Chibolo, will choose to identify with groups that are clearly defined, which helps them have a clearer understanding of their place in the world. Different groups or categories will become salient for people at different times (Hogg and Terry 2000). At this moment, adopting or performing the social category of ‘victim’ seems to be most attractive or profitable, as this will enable land restitution and reparations. Identifying as farmers is less likely to be lucrative, since people feel that the State does not respect or recognise farmers, as I discuss in Chapter 7. Therefore, even though people do talk about themselves as farmers in informal conversations, in formal spaces they describe their situation as displaced people and increasingly as victims. This demonstrates how victimhood is a choice, but also a risky one, subject to the particular political context and power relations, while the parameters of the category of victimhood are not defined by survivors, but by the State (Jacoby 2015).

Although victimhood is a powerful position, because of its perceived moral entitlement to sympathy and support (Bar-Tal et al. 2009), it is also associated with passivity (Ronsbo and Jensen 2014, De Waardt 2016). Treated as victims, people are assumed to have no agency and therefore need others – the State or human rights organisations – to act on their behalf to protect their rights, generating trusteeship (Neocosmos 2006). Zooming in on their vulnerability and need for help insinuates and risks contributing to a ‘lesser citizenship’ (Lemaitre 2016: 559). This can result in people getting trapped in a victimhood identity, as they get used to depending on others for their wellbeing, or might even prefer being treated as victims for considering it more profitable. Some community members indeed perceived an increased passivity among their peers. At least four participants mentioned how other community members only

attended meetings convened by TJ institutions, neglecting the community's own meetings. They seemed more interested in receiving assistance than in working hard to actively change their future (Informal conversations 8, 21 and 23 January, 23 February 2016). This passivity contrasts with the history of the communities of Chibolo, having been formed through land occupation in the 1980s. Land occupation can be seen as a form of 'radical citizenship', described by McEwan (2005) as spaces which originate as a result of popular mobilisation around common goals, often linked to social movements. Although in other contexts victimhood has also provided spaces for radical citizenship, the *Madres* of the Plaza de Mayo in Argentina perhaps being the best-known example, Colombia does not know many strong victims' movements, with less than 7% of survivors belonging to one of 3000 victims' organisations, showing a dispersion among organisations which makes it hard for survivors to produce collective action (Rettberg 2013). In Colombia TJ and its focus on victimhood therefore risk diminishing people's agency, making them instead more reliant on the State (Mullen 2015) and maintaining the historical social patterns of clientelism and fatalism described in Chapter 5. Popular struggles for rights through active citizenship – land occupations – have thus been turned into appeals for human rights from the State through a passive citizenship linked to victimhood, which does not challenge power relations or structural inequality (Neocosmos 2006).

To overcome the obstacle that victimhood's passivity presents for reparations, a more balanced analysis of people's different layers of identity is needed. It is important to acknowledge the harm done and allow people to identify with other victims. This can create solidarity and help the healing process (Bar-Tal et al. 2009). It is moreover necessary to recognise that the events experienced during conflict can have a lifelong effect on people's lives, since traumatic experiences create a split between the sense of self before and after the event (King 2000, Nordstrom 1997). It must however also be recognised that victimhood is a temporal identity, since people have not always been victims. Victimhood is not people's only identity either, since identity is multi-layered, often also characterised by gender, religion, ethnicity or social class. A future-oriented post-conflict identity can help to prevent people from being trapped in the past and to unite rather than divide people (Meertens 2015, Shnabel et al. 2013, Theidon 2010). Since portraying a coherent story about people's lives helps shape their notion of

identity (King 2000), historical memory, which is connected to questions of belonging and citizenship, can play a role in the complex process of recrafting self-identity (Kent 2016, Nordstrom 1997). Portraying communities' previous ways of resilience, resistance and survival – often neglected in stories about conflict and violence – allows for exploring how these can be used in the future (Kapur 2002, Martín-Baró 1994). This will help to analyse survivors' 'non-victim' identities as for example farmers, trade unionists, men, and women, and moreover allows for underlining aspects of identity that are connected to a more active practice of citizenship, in which people demand their rights, instead of passively waiting for the State to provide reparations or assistance as part of clientelist politics or welfare programmes. Historical memory, rightly included as a collective reparation measure in the Victims' Law, could therefore help survivors transition from being recipients or clients into being active citizens with political agency, if it better addresses their multiple identities and forms of agency, beyond victimhood. In terms of gender relations, reconstructing historical memory about women's previous forms of organisation can play an important role in increasing their agency in the communities' current processes of overcoming poverty and obtaining reparations. Addressing people as citizens who all share the same entitlements as citizens, even though some suffered political violence while others suffered other forms of injustice, can moreover be a way of overcoming the victim hierarchy and competition that TJ creates.

Conclusion

In this chapter, I have demonstrated how the procedures and concepts put in place by Colombia's Victims' Law do more harm than good, in spite of good intentions and some positive impacts. The imposition of rigid 'participatory' spaces risks producing frustration while reinforcing unrepresentative – gendered – leadership positions and divisions in the communities, weakening and depoliticising authentic forms of organisation while maintaining survivors' reliance on TJ stakeholders. Transitional justice's past-focused emphasis on victimhood risks creating competition among people, preventing reconciliation and failing to analyse their needs and potential for the future. To overcome these problems, TJ should loosen its rigid legal focus and narrow the gap between its institutions and the survivors it aims to benefit. This requires the adoption of

genuinely participatory methods, enhancing survivors' agency, making use of their own organisational processes and centralising their expressed everyday needs and hopes for the future. This will enable people to adopt a more active practice of citizenship, which makes them more resilient and able to demand their rights and confront and transform their situation of poverty. In the next chapter, I describe how their situation of poverty determines the needs that people in La Pola and La Palizua express in relation to TJ. I analyse how these relate to what the Victims' Law and TJ in general offer and how a reconceptualisation could help reparations live up to the Victims' Law's promise of transformation.

Chapter 7. Survivors' transitional justice needs: between promise and reality

Having described the procedures and everyday impact of the Victims' Law, in this chapter I analyse whether the Victims' Law actually responds to people's needs and if the restitution and reparation it offers are capable of contributing to the transformation of survivors' living conditions. I start by describing the different losses that displacement caused, before analysing how this relates to the participants' reparation needs and expectations, enabling a better understanding of where survivors' priorities lie. I then identify the problems caused by the gap between survivors' needs and the reality of the Victims' Law. These are fundamental to address if transitional justice is to live up to its expectations of 'dealing with the past' and restoring relationships of trust between survivors and the State.

Reparations: taking stock of the losses

Many participants mentioned the material losses they suffered. Almost all houses were burnt down by the paramilitary, thus also implying the loss of household items. It was striking how, decades after the event, people remembered with much detail the number of cows and farm animals lost (Informal conversations 2 December 2015, 17 and 18 January, 16 March 2016). This detail not only reflects the attachment to their animals as farmers, but also illustrates how in farming societies animals are a way of measuring wealth (Roht-Arriaza and Orlovsky 2009). But beyond their economic impact, these losses also had symbolic meaning, reflecting the loss of a way of life and the rupture of a process that provided economic and social stability (Jiménez Ocampo et al. 2009). Even though returning to their land enabled people to resume their old life plans, they had to do this without any resources. Time also makes a difference, as Laura explained: 'we lost ten years, we came back here old' (Informal conversation 7 September 2015).

The influence of displacement on family relations was often mentioned in conversations and interviews. Pedro separated from his wife because the stress and anxiety produced too many tensions between them, while German's wife did not want to return because of the painful memories attached to the land. Also other women preferred to stay in the urban environments where they had sought refuge. This dovetails with a more general trend of displacement leading to family breakups among Colombian IDPs

(Jiménez Ocampo et al. 2009, Wiig and García-Godos 2015). This impacted women's participation in the communities, since the most active women did not return, which has made it difficult to re-activate the pre-displacement women's committees, as was explained in Chapter 5. The fact that not everyone returned meant that some of the old community ties were broken. Moreover, the violence suffered and ten years apart created distrust and divisions among the community members, which was reinforced by the discontent about leadership described in Chapter 6. Although the VU programme *Entrelazando* aims to re-establish these broken social ties, beyond some commemorative activities people did not seem to value or notice its impact (Focus groups 18 and 19 March 2016). The emotional impact of displacement was mentioned as well, especially by those who lost family members, like Marta: 'We used to dance, but now I no longer dance, because I am in mourning. I don't go to parties' (Interview with the researcher 26 February 2016). Others mentioned how they themselves or their family members fell ill because of the stress, hypervigilance and sadness caused by displacement (Informal conversations 4 January, 29 March and 13 April 2016). This suggests that for many displacement was a traumatic experience, which caused a disruption to their emotional and physical sense of belonging and identity, and fragmented their routines and relationships. This often resulted in feelings of loss and longing, depressive feelings and a sense of helplessness and loss of control (Fried 1966, Lewis Herman 2001).

The loss of educational opportunities for themselves and their children is another impact that many participants mentioned. Providing their children with education was often a challenge during displacement, since some people would travel from place to place to make a living, while others were too poor to pay for school uniforms and utensils. For some participants, this even led to far reaching changes in their family structure, as their parents or other family members took care of their children so that they could study (Informal conversations 22 September and 6 October 2015, 24 February and 13 April 2016). In general, it can be said that displacement impacted in many ways, resulting in a loss of opportunities for personal development, as Claudia explained:

We lost everything. We left here almost naked! We had four houses here (...).

But they burnt our houses. (...) We handed in the cattle we had *al partir*³⁰, which had already given birth. Imagine: 18 years ago, what production would those animals have given us! (...) We didn't have time to take the pigs, goats, anything. A part was sold at a loss, the rest was lost. (...) And the children's education. Because when we left, you know that when one leaves empty handed, things are not the same elsewhere. (...) My children often only ate once a day. (...) They no longer studied. Some of them were stuck with primary education, they haven't been able to recover. (...) They were traumatised, the children (Interview with the researcher 5 October 2015).

It goes without saying that these lost opportunities, sometimes resulting in a change in people's life plans, are much harder to repair than material losses (Hamber and Wilson 2002), while most of the crucial elements for a life plan, such as education, employment or patrimony, are not or insufficiently included in the reparations provided (Brett and Malagon 2013).

The importance of the land

Attachment to the land plays an important role in explaining the impact of displacement. As explained previously, the communities of La Pola and La Palizua were formed as part of a land occupation campaign accompanied by ANUC UR. The *luchadores* (fighters) were the first to occupy the land in the 1980s, and have fought for the land ever since. Almost all people mentioned how they longed to return to the land. 'I dreamed with Planadas'³¹, Ana said (Interview 21 January 2016), while Pedro even wrote a song about his longing to return. This confirms the idea that land is more than a material property, but represents an important emotional attachment (Grupo de Memoria Histórica 2010, Meertens and Zambrano 2010).

Beyond the rupture of this emotional attachment, the living conditions during displacement were difficult for most people. Some found work in the countryside, but working on other people's land, cultivating crops they were not familiar with, or moving from *finca* to *finca* was challenging (Field notes 24 August and 15 September 2015). Others moved to the cities, which implied a radical change in lifestyle, with insecure working and housing conditions. Like other IDPs (Sliwa and Wiig 2016) most people

³⁰ 'Al partir' (on a shared basis) means that people take care of cattle owned by other people. When the cattle have offspring, the calves will be divided alternately between owner and caretakers. This way, the caretakers gradually come to own their own cattle. Most people in these communities still work this way.

³¹ Planadas is one of the *predios* of Palizua.

did not have adequate skills to find well paid jobs in the cities and struggled to feed their families. German's comment reflects how people's identity and way of life were attached to the work on the land:

My future will be in the countryside. Because it's the only work I know how to do. It's what I know how to carry out, cultivating my crops, milking the cows. Because when I go to (...) the city, over there I am useless (Interview with the researcher 10 April 2016).

Most people considered life in the countryside better, because you consume what you produce whereas 'everything in the city has to be bought and nobody shares things', as Laura believed (Informal conversation 7 September). Felipe agreed: 'Well the land is our life really. Because from the land we get what we need to eat, to dress, for everything' (Interview with the researcher 15 November 2015). Through land dispossession, this sense of self and identity became a strategic target of war (Nordstrom 1997). Therefore, land restitution not only provides material restitution, but also a formal recognition of people's ties to the land after a long struggle.

This explains why the land restitution sentences are the aspect of the Victims' Law process that the participants seemed to value most. Land titles were regarded as a guarantee of non-repetition. Although participants recognised that some people were displaced in spite of owning land titles in the 1990s, formally owning their land gave them a degree of security (Informal conversations 3 December 2015 and 24 February 2016). People like María José who were still waiting for their land titles therefore expressed fear of what would happen to them if the paramilitary came back (Informal conversations 6 and 10 March 2016). This is understandable, since the first paramilitaries are being released from prison, and displacement is a continuing practice in Colombia (Internal Displacement Monitoring Centre 2016). This fear became more concrete in Chibolo in the end of 2015, when rumours started spreading that one of the local paramilitary commanders was released. Although his prison sentence was allegedly converted into house arrest, several people mentioned that this individual was spotted in a nearby town. This led to unrest and anxiety (Field notes 11 December 2015, 18 January and 24 February 2016).

Land titles moreover enable people to obtain a loan in the bank and invest in their land to make it profitable again. Poor farmers without property are not given any

credit options, which forced some people to sell part of their land in order to make the rest of it profitable again. Others feared losing everything again in case of another displacement, and only dared to invest in their land once they had received their land titles (Informal conversations 18 September and 26 November 2015). Land titles thus enabled people financially and psychologically to make a new start on the land.

Restitution is important, but not sufficient

Unfortunately, the success of the land restitution process, especially in terms of the rebuilding of relationships of trust in the State and among and between the communities, is put at risk by its slowness. It is important to note that land restitution is a complex process which involves many beneficiaries and many State institutions, making it a logistical and bureaucratic challenge. According to people involved in the process, the implementation of the restitution sentences required considerable efforts in coordination between the different SNARIV institutions amongst each other, and with local governments (Interviews with the researcher 26 and 29 October 2015). In a study of 500 restitution sentences, it was evidenced that a total of 55 different government entities were supposed to implement them, while 88.6% of those sentences did not adequately identify which actor was responsible for each measure (Erazo 2014). The department of Magdalena is known for its historical corruption (Grupo de Memoria Histórica 2010), making the implementation of the restitution sentences even more complicated here. This proved frustrating for the involved LRU employee, since many measures – such as the improvement of roads, the installation of electrical and water networks – depend on the local authorities (Interview with the researcher 19 October 2015). Moreover, lack of capacity and skills in some local governments means that they are likely to be less successful in applying for the additional funding that the Victims' Law provides for the implementation of reparation measures, creating unequal assistance for survivors among different municipalities and regions (Portilla Benavides and Correa 2015).

Although the Director of the LRU's Social Directorate was positive about the number of cases resolved – approximately 50% of registered cases – an employee of the local LRU office and a land restitution judge in the Magdalena department emphasised the complexity of the process. This was compounded by the relatively unforeseen

problem of widespread opposition to land restitution, not only from powerful owners or dispossessors of the land, but also from groups of landless or displaced farmers who occupied dispossessed lands. Moreover, the numbers of judges and especially magistrates increased slower than was foreseen by the law (Interviews with the researcher 19 and 29 October 2015 and 6 April 2016). These obstacles create risks regarding the impact of the restitution process. Similar processes have suggested that to generate a perception of fairness of TJ processes among beneficiaries, it is crucial to maintain a sustained conversation with them about the state of the process, to prevent the creation of expectations that are not met (Atuahene 2014a). Participants in Chibolo were promised that the restitution sentences would be reached within a couple of months, followed by housing and infrastructural projects. Most of these promises were not fulfilled. This has caused suspicion among some people, while others despair at the slowness of the process and were close to giving up hope (Informal conversations 8 October and 2 December 2015, 10 April 2016). This slowness moreover caused jealousy between and among the communities, especially since restitution proved slower in La Palizua than in La Pola. Mauro explained:

The assistance that they have brought to La Pola... I tell you that the people there are alright already. They have their solar panel, they watch television. They have all sorts of things, even electric fences. But we have nothing, almost not even a radio (Interview with the researcher 19 January 2016).

This perception of unequal treatment risks diminishing trust in the State. Moreover, although people valued the State's presence through the Victims' Law process, they found the State presence in terms of the provision of security still insufficient. In the last months of my stay in the communities, people often spoke about their fear for armed groups organising again and obstructing the land restitution process. This was reinforced by a meeting convened by opponents of the land restitution process, which was attended by Colombia's then inspector general (Semana 2016d), followed by the appearance of unknown men in La Pola in April 2016. During my return visit in May 2017, people spoke about the increased delinquency in the communities, with motorcycles and cattle being stolen, a girl in a neighbouring village being raped, and a family I often visited having been tied up and robbed in their house earlier that year (Informal conversations 7 and 10 May 2017). Although according to the State this sort

of crimes are committed by common criminal groups, civil society organisations observe a trend of reorganising paramilitary groups, in many cases related to large landowners who oppose land restitution (Verdad Abierta 2017). Participants feared that the patterns of violence of the 1990s were repeating itself. They were unsure if the State's security forces would protect them this time, as Eloisa and María José described:

Because the State will now fulfil its obligations, finishes this process, and it washes its hands and leaves. (...) And we can already see, we have already realised that there are armed persons forming their groups, who want to protect some guy's cattle... It's the same as when things started here (Interview with the researcher 31 March 2016).

Here whatever happens, we never see the army, we never see anyone. Right now they are stealing the little that we have earned. So this way we do not have security. It's impossible to live in calm here right? (Interview with the researcher 5 March 2016).

Community leader Diego's wife Luz also expressed her fear:

Luz said that when they returned after displacement, she couldn't sleep because of the fear of the paramilitary returning and displacing them again. Yesterday night she couldn't sleep again. The fact that Diego is almost never at home and returns late makes it even worse (Field notes 11 April 2016).

Receiving land titles is moreover only one step towards recovering the life project that was obstructed by displacement. As mentioned in Chapter 3, ten years of paramilitary control has done considerable damage, and restoring the land to its original conditions is a long and costly process. The land restitution process takes this into account to a certain degree, accompanying the land titles by a productive project and technical assistance for two years. The productive project in these villages consisted of money for the construction of a corral for the cattle, the clearing of land for cattle grazing, the digging of a well for the cattle to drink, and the purchase of cows and working tools. Nevertheless, three people mentioned that the money was not sufficient for all this (Interviews with the researcher 15 November 2015, 3 and 19 March 2016). That the project was not sufficient for everyone has to do with the fact that not all plots of land were encountered in the same state after returning from displacement. While some plots of land had been relatively well looked after by the paramilitary, others were

completely overgrown, or used for a so far unprofitable forestry project which makes cattle grazing difficult. This caused jealousy among different people, as one of the leaders of Palizua expressed:

(The director of the LRU) comes to visit the land, and goes to visit Roberto and the father of Juan García. Those were *fincas* that the paramilitary maintained with pasture the whole time. (...) But why doesn't he come here, to see what was lost because of the displacement? Look, this is an example. Like this, many plots of land here, from this part they are full of bush. A productive project of 20 million pesos, is that going to be sufficient to repair a plot of land like this? (Focus Group 18 March 2016).

The difficulty of making the land apt for farming again is compounded by climate change. Recent years have been characterised by drought and people have lost harvests of corn and yucca as the rains are no longer predictable. When the drought becomes too severe, even animals do not always survive for lack of drinking water, making economic recovery from displacement slower or even impossible (Informal conversations 21 January, 16 and 29 March, 10 April 2016). The last months of my fieldwork were also marked by drought, which caused hunger, hardships and anxiety. This was reflected in the increasing number of images taken of the drought in the Photovoice process. The lack of water caused fear for losing that which had just been regained, as Eloisa explained:

It is since two years that the climate is like this, so we lose animals because of the summer (drought). (...) The same animals they have given us. Aha, and then how will we end up? Within one more year and the year afterwards, we will be in the same situation again. With nothing. Again working with our hands, with our nails (Interview with the researcher 31 March 2016).

The support given by the State has been insufficient to overcome the impact of displacement and changing climatic conditions. This makes the people feel that 'the *campesino* is of no value, the government is not interested in the *campesino*' (Informal conversation 21 September 2015). People are therefore not only affected by climatic changes, but also by neoliberal politics which do not support small-scale farming (Rhiney 2017). This places many people in these communities in an uncomfortable 'in-between' situation. Although returning to the land and receiving formal recognition as land owners was of crucial importance for them, making a living on their land was

difficult. Life in the countryside was no longer as comfortable as people remembered it, and for many their expectations – perhaps based on slightly romanticised memories of the past – have not been met.



Image 14: ‘The need we have is that there is no pasture, there is nothing. So I took three or four pictures of that, of the drought. Here we have received no support for that, from the State’ (Photograph by Aida, March 2016, Interview 29 March 2016).

Although participants expressed feeling ‘at home’ on the land to which they longed so much to return, the economic and for some the legal aspects of place-belongingness were not in place (Antonsich 2010). This produced difficult emotional dilemmas for Josefa, who wondered whether she and her husband should sell their land and try to make a living in the city, or wait and see if things improved (Informal conversation 31 March 2016). German, who returned without his family³² and is still waiting for his land title, struggled with this too:

³² German explained that his wife and children did not want to return to the countryside because of the fear experienced there and for having become used to life in the city.

I pass my time here alone. Alone, alone. And sometimes, look I tell you honestly, I would not want to, but sometimes I would like to sell this piece of land, although it hurts because I have always been someone from the countryside. Since I was very young I was using the machete, growing my crops. And it hurts if I'd sell this piece of land, because I love it! (...) But unfortunately, I feel lonely and depressed here (Interview with the researcher 10 April 2016).

This 'in-betweenness' can be described as nostalgia for a past that is no longer there, and a future that never came. This risks producing a kind of psychological paralysis, feeling trapped in a present that is focused on the past, creating a passivity in people that can cause them to lose hope (Bradbury 2012).

Some women, like Patricia and Luz, were not so sure whether they made the right choice to return to their land. In spite of recognising the gendered difficulties of life in the city, explained in Chapter 8, they felt that by returning they sacrificed the future of their children, who benefitted from the higher quality of education and health care in the cities (Informal conversations 14 October 2015, 24 February 2016). Health care was absent in Palizua, while La Pola only had a very basic health centre with hardly any medicine. In the first years after returning to Chibolo, no education was available at all, which means that many children are behind on their studies. The communities now have basic schools, but heavy rain makes the roads inaccessible during the raining season, making it hard for the teachers to reach the school. Only people who are better off are able to send their children to Chibolo or other nearby municipalities to study. The reality of land restitution does hence not correspond to the romantic idea behind it, and the lack of employment and education opportunities, and the real or perceived insecurity in the countryside, are reasons why many IDPs, especially women, are not that eager to return to their land (Sliwa and Wiig 2016). Men did not mention the feeling of sacrifice, while several men seemed to prioritise the extra help that their children gave them on the land. This meant that children sometimes did not go to school because they needed to help their fathers milk the cows or fetch water (Informal conversations 21 September 2015, 24 February, 30 March 2016).

Expectation management: matching needs, expectations and capacity

Those who received compensation – often the only reparation measure that people have received – indicated that this was helpful for them to improve their living conditions. Most people used the money to buy animals, improve their land, or dig a well for the animals' water. Two women bought material things such as a television, furniture or a gas stove, while Mauro fell ill and used the money to access health care (Informal conversations 5 and 25 September, 1 and 2 December 2015, Interview 19 January 2016). As explained in Chapter 6, compensation for displacement is given as a fixed amount of money to the affected family unit as such. This meant that people in large families received a limited amount of money, while some single men received all compensation for themselves. This enabled Pedro to buy land (Interview with the researcher 27 November 2015), which obviously allowed for a more significant change in living conditions. This however did not seem to cause jealousy among the communities, perhaps surprisingly given the earlier mentioned divisions.

In general, people seemed to agree that although compensation came in useful, the amount was not enough to provoke real changes in their lives, as German explained:

Look, for me it is more like a sweetener³³ that they give to someone, of what I have heard that they give to a displaced person. I for example had 20 animals here! In the ten years (...) after they displaced us, how much production would those animals not have given me? And today, what they give to us... Therefore I repeat, it is like a sweetener for us, but it cannot replace what we lost here (Interview with the researcher 10 April 2016).

This suggests that the reparation offered by the State is insufficient. Participants suggested that reparation should amount to all that they had lost, taking into account the time that had past, as Eloisa explained:

E: (The State) hasn't given the displaced persons what they deserve.

SW: What would be a fair reparation?

E: That they give us, for example, let's say ten years, 45 cows in ten years, how many would we have now? Well, that (Interview with the researcher 31 March 2016).

³³ I could not find an adequate translation for the word *contentillo* which German used. It refers to something given to people to keep them quiet and content.

This points to a serious problem of expectations that do not match, and can never match the State's capacity to repair. In contrast to judicial reparation sentences ordered by courts, administrative programs are not able to provide *restitutio in integrum*, returning the beneficiaries to their prior situation (Roht-Arriaza and Orlovsky 2009). This problem of unmet expectations was reinforced by President Santos's visit to La Pola. Participants often mentioned this visit and the promises the President made about the speed of land restitution and the other benefits they would receive. As some of the stakeholders involved at the time explained (Interviews with researcher 21 December 2015 and 28 January 2016), visits like these form part of a communication strategy that costs millions of pesos and transmits a message – disseminated through official televised and social media channels – of State commitment. Yet creating high expectations is risky, since although reparations can promote civic trust and the integration of survivors as equals in society (De Greiff 2009), unmet expectations can have the opposite effect and create distrust. This is reflected by Marta's comment:

He (Santos) was going to give us peace, he was going to give us the (land titles) and he was going to give us... but he never remembered La Pola. (...) He said that in two years there would be land titles, but now we are seven years onwards and there is not one land title for Boquilla³⁴. So we don't know what is happening to Santos. They have tricked us, they have fooled us! (Interview with the researcher 26 February 2016).

This feeling of being 'duped' by reparations was also evident in other contexts (Crosby et al. 2016) and can influence people's perception of State legitimacy, especially if everyday needs continue to be unmet (Robins 2013):

German said they've been given many illusions that were never made true, like the land restitution sentence, but also the hay they would receive to get the cattle through the drought, and the goats they would receive. The goats did come, but German never received anything. He said that this is probably because it all has to do with politics and that only those who are friends with certain politicians receive the benefits (Field notes 10 April 2016).

This made people wonder what peace actually entailed, as Josefa expressed during my return visit to Chibolo: 'There is peace, but we continue to suffer, so we don't know

³⁴ La Boquilla is one of the *predios* of La Palizua.

what peace really means' (Meeting notes 11 May 2017). Well-intended rhetoric, like the increasingly popular discourse of transformative reparations which the Victims' Law employs can therefore do damage by causing distrust (Nickson and Braithwaite 2014, Sriram and García-Godos 2013a). The VU would be wise to take action to diminish the gap between expectations and reality, since the perceived fairness of TJ processes affects their overall valuation (Nalepa 2012). An effective outreach programme and communication towards the beneficiaries about the timescale and scope of reparations should therefore have preference over costly communication campaigns painting rosy pictures of reparation success, which risk causing unrealistic expectations (Atuahene 2014a). Unfortunately, the Colombian State instead repeated its mistakes in the case of Chibolo. As described in Chapter 6, in July 2017 President Santos paid another visit to La Pola, promising solar panels for every household in the village. That this promise was not fulfilled made people question the State's commitment, exclaiming that they had been 'restituted with lies' (Meeting notes 7 May 2017).

Participants had different suggestions as to how reparations could be more beneficial. As far as Felipe was concerned, 'reparation should be more constant, or bigger. Because the losses were great' (Interview with the researcher 15 November 2015). Others, like Pablo, insisted on being repaired through measures other than economic compensation:

I do not demand so many things. Just that they help us in the countryside. I don't even have a house! I wish they would give me a house, because the money, one takes it and it's gone... (Interview with the researcher 5 January 2016).

This reflects how people often prefer to receive the goods they lost rather than money, which has a less tangible connection to the things lost (Roht-Arriaza and Orlovsky 2009). People like German moreover stressed the need for non-material assistance to create new possibilities and make them more resilient:

For example by opening an account for farmers in the banks, so that one can obtain a loan. It's not that they should give it to us as a gift, but with a loan one can help oneself (Interview with the researcher 10 April 2016).

This suggests that reparations should not just restore the things lost, but enable people to acquire a better situation in the future, as the term transformative reparations suggests. Nevertheless, the VU seemed to take the term ‘reparations’ quite literally, insisting both in Chibolo and in other communities that collective reparation measures were only meant to repair material goods or services that were present in the communities prior to displacement. Measures such as telephone masts, requested by the communities of Chibolo to improve their direct communication channels, were therefore refused by the VU, as these services were not present previously (Meeting notes 10 and 11 December 2015). Such a narrow understanding of the concept of reparations as restoration does not fit well with the transformative and therefore forward-looking focus of the Victims’ Law. This makes it hard to meet the expectations raised.

For some people, especially those who lost family members, accepting money as a form of reparation was unthinkable anyway. A woman who had lost her son told me that she refused to receive reparation, since spending the compensation money would make her feel as if she were ‘eating her son’ (Informal conversation 16 November 2015). Marta, mother of a disappeared son, did not understand why she received reparation, if the State never even looked for his remains (Informal conversation 26 February 2016). This echoes findings in and beyond Colombia, where receiving money for deceased family members is often felt as a betrayal or a form of ‘blood money’ (Jiménez Ocampo et al. 2009, Moon 2012, Viaene 2010). Reparation is therefore not just material, but also related to other ways in which the State can show its concern with the plight of those affected by conflict. Three women in the communities had disappeared family members. Similar to the priorities of family members of disappeared persons in other countries (Robins 2013), they wanted to know the truth about what happened to their family members, as Patricia explained: ‘I am still looking for a way, because I want to know, what happened to him, what they did to him, and where they left him’ (Interview with the researcher 15 October 2015). This means that truth forms part of reparations, enabling a certain closure. Tomas, one of Palizua’s leaders also stressed the relation between this more ‘factual truth’ and reparations:

The great reparation we would like to have as victims is to know the truth on behalf of the State. Who were the responsible, who supported them and that those persons pay for what they did (Focus Group 18 March 2016).

Reparation vs. development

As in other contexts (Madlingozi 2007), the reasons people find monetary compensation to be insufficient is because the transformation of their living conditions requires more than a cheque, and involves the improvement of their basic living conditions. The absence or inadequacy of basic development services such as electricity, water, health care and education marks people's lives. Many participants, like Celia, mentioned the need for housing: 'First of all, that they would give us a house. Because we don't have a house and you know that the displaced have never had a house' (Interview with the researcher 16 January 2016). This was also reflected by images taken by fifteen women – nine of whom from La Pola – in the Photovoice process, showing houses almost falling apart, with no security conditions and often too small for large families. Although housing is included in the land restitution sentences, it is not available for those who did not possess land prior to displacement. Moreover, the houses provided as part of the restitution sentences were very small and badly constructed, whereas the building of many houses in La Pola had to be halted due to corruption and safety risks. Construction had not resumed at the moment this thesis was written. Besides housing, the need for bathrooms came up in the interviews and was included in both photo booklets. The lack of bathrooms indicates a lack of basic conditions of privacy and sanitation mentioned especially by women in La Pola, like Clara:

How is it possible that in the countryside we still don't have a bathroom where we can bathe, where one can defecate? (...) One needs to run to the bush, far away, to go to the bathroom. (...) I sometimes bathe myself if one of the girls is around, so they look who's coming, so nobody catches you bathing here. And if one bathes, it is in a hurry. Or I bathe at night, when nobody comes anymore (Interview with the researcher 19 March 2016).



Image 15: ‘Well, I would like to have a better house. Because you see, it is deteriorated and I would like to have a place where we can be more comfortable. Because this one is very small. We have five children who sometimes have to sleep in the living room’ (Photograph by Alexandra, January 2016, Interview 25 February 2016).

Whereas women living on their own plots of land struggled with this, for women like Cecilia who lived in the village centre the lack of bathrooms was even more difficult:

C: This is a photo of some children relieving themselves, there in the open. Because there is no bathroom, there is nothing, so they have to do it like that.

SW: And for the adults there is no bathroom either?

C: No, it’s like that. One has to relieve oneself like that. Of course, further away. (...) One has to go secretly, because we all go to the same place and so one has to walk crouching, looking over there, if there is a sound, like that (Interview with the researcher 23 January 2016).

Both comments express a lack of privacy and safety, which is clearly gendered, and a feeling of a lack of dignity, since issues as basic as going to the bathroom become a daily struggle. This is especially true for women, according to Josefa: ‘for example when one has her menstruation, this is when one has to go to the bathroom all the time, cleaning and changing. Yes, I would like the issue of a house, as soon as possible’ (Interview with the researcher 19 November 2015).

At least ten of the community interviewees mentioned the need for water, which became especially urgent because of the drought. Nine women took pictures of the laborious task of fetching water, which is an everyday process once there is no more rainwater to drink. Although some people said they were now used to drinking the water of the community wells – which in fact looked more like natural pools full of mud, where animals walked around freely and people also used to bathe – some women worried for the effect of this water on their children’s health (Informal conversations 20 September 2015, 21 and 23 January, 23 February 2016).



Image 16: ‘One needs to go to the *caño*³⁵ every day to bathe, to fetch water to drink, to cook, for everything. (...) That is tedious. Every day, every day...’ (Photograph by Aura, January 2016, Interview 16 January 2016)

Also the need for accessible roads was portrayed by seven women, and expressed in many informal conversations and interviews. Julia described how her uncle Mauro was taken to La Pola on horseback when he was seriously ill, since the roads in La Palizua were damaged because of the rain: ‘It’s no life like this. If they hadn’t taken him on that horse, he would have died’ (Interview with the researcher 18 January 2016). Aspects

³⁵ The *caño* is a communal water well.

such as education and health were especially important for women, as is discussed in more detail in Chapter 8.

Blurring the lines between symbolic and material reparations

As in other parts of Colombia (Rettberg 2013), these urgent development needs overshadowed people's desire for symbolic reparations. Yet in reality, symbolic and material reparations cannot be seen as completely separate. People in Chibolo sometimes complained that the government seemed more interested in giving them symbolic reparations than the development and social services they really needed. This was illustrated by the debate about the commemoration of the victims, included in collective reparations in La Pola. Opinions were divided. Reyna, whose husband was killed, preferred to leave things as they were, instead of remembering the past (Informal conversation 12 April 2016). Lucía and Cesar mentioned that they'd rather see the implementation of other reparation measures like the football field or a memory museum, since instead of spending money on food and decorations at least something tangible would remain (Field notes 3 September 2015 and 7 March 2016). The *Casa del Balcón* (House with the Balcony), La Pola's community centre which was remodelled as a reparation measure of satisfaction, provided another example. This house has played an important role in the community as the people lived here when they occupied the land in the 1980s. It was later used as a military basis by the paramilitary, after which the community members once again lived here while rebuilding their houses after displacement (Weber 2016b). Nevertheless, two people mentioned that in spite of the historical and symbolic significance of the place, they did not agree with its remodelling, since the large investment that this required could have been spent in a better way, for example installing electricity or running water (Informal conversations 5 October and 4 December 2015).

This emphasis on development services is echoed by the way Luz described a fair reparation:

Well, that the government would be more interested in the displaced persons. They say they are repairing the displaced but we don't see it. Because to be a fair reparation, it would need to include a lot of things. (...) We left without anything, we returned without anything and we are in the same position still.

They give assistance, of course they do. But that's not a reparation. I mean, a just reparation, so that one can have a dignified life. Here for example there is no electricity, there is no water, there is no housing. (...) For me, reparation should include all that (Interview with the researcher 29 March 2016).

This indicates that people felt that the government needed to make a bigger effort, providing a dignified life. In Luz's understanding, a dignified life would mean that the State provides for people's basic needs, including electricity, water and housing. This resembles the Constitutional Court's notion of 'minimum living standards', defined as 'that portion absolutely necessary to meet the basic needs of food, clothing, education and social security' (Firchow 2013: 57). The Colombian government however regards this right to subsistence as a personal or family matter (Lemaitre and Sandvik 2016), again reflecting a breach between law, politics and practice.

Luz's comment however also points to something deeper, which is the desire to be taken into account by the State, to be respected as equal citizens and receive the support needed. In order to restore equal and inclusive relations with its citizens, the Colombian State accompanies compensation by a 'dignification letter'. This letter, signed by the director of the VU, expresses the State's recognition of the victims and their suffering, its commitment to end violence and pay reparations. Yet the letter is general, does not mention specific crimes and does not include admission of responsibility (Dixon 2016, Portilla Benavides and Correa 2015). In spite of this attempt to recognise survivors as equal citizens, participants in La Pola and La Palizua did not seem to perceive this. Cecilia expressed the feeling that IDPs were being treated as second class citizens, or what Gibney (2006: 3) describes as 'stunted citizens', who enjoy formal equality but in reality are unable to exercise their rights due to factors such as racism, sexism or economic deprivation:

Well the government should take us, as displaced persons, a bit more into account and help us with those things, those needs that we endure. But nothing, I don't know, they say they will bring projects but we never hear anything (Interview with the researcher 23 January 2016).

Claudia agreed:

Well for me, I say that the government should look and take us into account as displaced people, because we really need it (Interview with the researcher 5 October 2015).

This confirms the point made by Moon (2012) that the binary between material and symbolic reparations does not exist. Material reparations are in themselves symbolic, as material reparations and the process surrounding them send a symbolic message of recognising survivors as equal citizens (Hamber and Wilson 2002, Moon 2012, De Waardt 2013). As the reactions of the people in Chibolo show, this connection between material and symbolic reparations also functions in the opposite direction. The absence of minimum living standards makes the symbolic message of recognition of equal citizenship sent through the dignification letter seem empty words. Symbolic reparations therefore lose much of their meaning and purpose if they are not accompanied by material reparations that demonstrate this equality. Clara considered ‘a fair reparation that they would see the needs that one has here in the countryside’ (Interview with the researcher 19 March 2016). This underlines that people wish for a tangible demonstration of their inclusion as equal citizens: not only being formally recognised as equal citizens, but also enjoying the protection of their basic rights as citizens, including to health, education, and basic development measures.

Some people in the communities had similar opinions about the psychological assistance that was offered as part of reparations³⁶. According to La Pola’s leader Diego:

What else could lift one’s spirit, improve one’s situation, but that they fulfil the rights that one has? So they want to somehow substitute this through this measure (psychosocial assistance), or to keep the people happy and that they don’t... That is what we see. Well, if they would analyse the person: the roads, the land titles, so many things, that is what keeps us desperate. That is what makes us unhappy. So they should not give us bullshit (Focus Group 19 March 2016).

La Palizua’s community leaders (Meeting 19 November 2015) complained about the methodologies used in some training sessions, being asked to hug each other or tell others they loved them, which according to them is not done from man to man. The

³⁶ As described in Chapter 6, community members in La Pola were offered nine group sessions with a psychologist in 2016. Not everyone was interested in this, and so four groups were formed of approximately 10 participants each. This support was not offered in La Palizua.

machista culture³⁷ in these communities also explained why women appreciated the psychosocial support sessions more. They valued the opportunity to talk to others about their experiences, and considered them a distraction of their daily concerns and a break from their feeling of isolation performing their gendered household tasks. The need for psychosocial support was mentioned in several of my meetings with the women's group in Palizua (Meetings 10 September 2015 and 31 March 2016), as well as by Inés, one of the young female leaders in La Pola:

I think more accompaniment is needed by the State. (...) More psychological accompaniment and it should not be just now that the process is here, but always. It should be more continuous. Because there are many harms. And there are many wounds that a psychologist will perhaps not cure, but it does help a lot (Interview with the researcher 27 February 2016).

The ambiguity about psychosocial support can however also be explained by the common Latin American perception that a psychologist only attends crazy people. As far as Juana was concerned, people here 'aren't that crazy in the end' (Informal conversation 3 September 2015). This resonates with other contexts (Helms 2013, Weine 2006), where many survivors were reluctant to seek mental health support, since they did not consider themselves as psychiatric patients. Historical memory work and the telling of their stories can help these survivors (Weine 2006).

Connecting reparations and social justice

The community participants' reflections on truth, justice, reparations and guarantees of non-repetition show that these four interrelated elements are connected to the need for safety and the desire to have a 'dignified life' as described above. This dovetails with the needs indicated by other survivors in Colombia, and reflects the precarious living conditions of most of those affected by conflict, who live in regions with little or no State presence (Firchow 2013, Rettberg 2013, 2008). As explained in Chapter 2, the need for social and development services sits uncomfortably with TJ theory. It is assumed that development and reparations should not be mixed, as this would diminish the symbolic message sent by reparations, while enabling governments to 'slap a

³⁷ *Machismo* means it is not well regarded when men talk about their feelings as this contradicts their image of strength.

reparations label' on measures they should implement anyway (Roht-Arriaza and Orlovsky 2009, Waldorf 2012). Yet although it is true that all citizens ought to have their rights to basic social and development services protected, in practice this is often not the case in post-conflict contexts, where those hit hardest often belong to marginalised groups of the population.

In response to the suggestion of Sriram and García-Godos (2013b) that more research is needed on the perceptions of survivors on this theoretical division between reparation and development, my research shows that people in Chibolo indicate that at this moment they are better served with development than with narrowly understood reparations. In theory, the Victims' Law responds to this, providing for a wide array of measures: urgent or transitional humanitarian assistance (periodical monetary transfers and the prioritisation of victims in terms of social services) prior to the reception of reparations in order to make those more effective³⁸; development measures such as productive and infrastructural projects included in the land restitution sentences; and individual and collective reparations. In practice however it risks blurring the three measures, especially humanitarian assistance and reparations, which consist of very similar measures, delivered by the same institutions (Dixon 2016, Portilla Benavides and Correa 2015, Saffon and Uprimny 2012). In fact, other research has demonstrated that beneficiaries do not understand the difference between reparations and humanitarian assistance, while the latter consumes a large part of the VU's budget and staff time, which would be better spent on the VU's core business: providing reparations (Sikkink et al. 2015). At the same time, the humanitarian assistance, which ostensibly aims to create the minimal conditions for making reparations effective, in practice is translated into a few financial transactions which do not by themselves create minimum living standards (Dixon 2016, Firchow 2013, Portilla Benavides and Correa 2015). State institutions such as the Ministries of Health and Education lack effectiveness in providing the social services included in humanitarian assistance and reparation, making compensation the main focus of reparations (Portilla Benavides and Correa 2015). The confusion between development, humanitarian assistance and reparations was apparent

³⁸ On the basis of an annual PAARI it is decided whether beneficiaries are still lacking elements for 'minimal subsistence'. If they are no longer in a situation below 'minimum subsistence', they will be placed on the waiting list to receive compensation. Otherwise they will continue receiving humanitarian assistance (Unidad para la Atención y Reparación Integral a las Víctimas 2017).

during one of the community meetings with the VU:

Anita mentioned that as a victim, she has the right to a dignified life, including water, health, education etc. The VU corrected her, saying that she has the right to all these things as a citizen. As a victim, she has the right to truth, justice and reparation, but only as far as the financial capacity of the state allows, since there are 7 million victims. But if these are their rights as citizens, then why do they include them in the restitution sentences, which form part of reparations? No wonder people get confused (Meeting notes 10 March 2016).

This shows how the SNARIV institutions themselves also send mixed messages about the relation between development and reparation. The current presence of the State to comply with survivors' rights as 'victims' might not correspond to survivors' need to have their rights as citizens protected. The granting of their citizenship rights and the promotion of active citizenship is what can really help people to overcome their situation of marginalisation, which made them more vulnerable to suffering violations.

The confusion between development and reparation is perhaps hard to avoid, because of the strong connection between them. I agree with the Director of the well-respected Colombian Commission of Jurists that development measures are necessary to guarantee the sustainability of land restitution (Interview with researcher 26 January 2016). The correlation between land restitution and development is also important because the direct violence committed during conflict was generally accompanied – and often preceded – by structural violence and the abandonment of communities by the State. The context of Chibolo is characterised by structural inequalities. One of these is place, referring to the urban-rural divide but also, paraphrasing the land restitution judge, reflecting how certain areas are too isolated to be invested in. Another factor is social class or cultural identity, since as in other countries, support for small-scale farmers and understanding for their way of life is not prioritised in Colombia's neoliberal development model (Amnistía Internacional 2014, Evans 2016, Gutiérrez Sanín 2015, Planeta Paz 2012). These inequalities have facilitated violence to take place, and were in turn reinforced by conflict. Yet TJ measures like Colombia's Victims' Law deal with direct violence, such as killings and internal displacement, while it does not aim to resolve structural, socioeconomic inequalities (Evans 2016, Gready and Robins 2014, Miller 2008, Nagy 2008). Although critics of the widening scope of TJ (Duthie 2011b, De Greiff 2009, Waldorf 2012) might be right in warning

that overburdening TJ can cause unrealistic expectations, it should also be questioned if a narrow conception of TJ will ever be able to fulfil survivors' needs, if it does not contribute to social justice and if underlying inequalities are left unaddressed (Madlingozi 2007).

This gap between the theory and practice of human rights affects the effectiveness of reparations. For example, although the Director of the Reparations Area of the VU recognised that the conflict has damaged people's access to basic rights such as education, making it difficult to separate social services and reparations, she maintained TJ's rigid separation between development and reparation. She explained that in spite of victims' 'reinforced right to access to education', primary and secondary education for children is a basic right, and therefore there is no specific reparation measure for this (Interview with researcher 25 January 2016). This disregards how in spite of nationwide free basic education, the quality of and access to primary education are of a low standard in Colombia, especially in the areas affected by conflict (Firchow 2013, Lemaitre and Sandvik 2016, Rettberg 2013). The Victims' Law only offers a limited number of scholarships for higher education (Portilla Benavides and Correa 2015), which is out of reach for survivors who have not been able to finish secondary education. Education for adults, which could offer possibilities for transformation, does not constitute a reparation measure. Measures that could have an important impact on people's lives and future are thus excluded, meaning that reparations might never be able to live up to survivors' expectations and most strongly felt needs.

Recognising that conflict has affected people's right to development as such, as Laplante (2008) suggests, could offer a solution here, since this would give rise to the reparation of the violated right, making development and social justice measures a form of reparation in themselves. Therefore, instead of warning for the blurring of reparations and development, I would encourage this to take place. Rather than seeing reparations in a traditional way, principally as compensation, they should be seen in the light of wider development and social justice measures. These will moreover have specific gendered impacts, as I will explain in Chapter 8. Connecting development and reparations requires a different prioritisation of State resources, with less investment in humanitarian assistance and compensation which produce little structural change, and

less budget dedicated to media campaigns³⁹, and stronger efforts to increase State capacity – especially at the local level – to deliver services such as health, education, infrastructure and agricultural support, to create what the Constitutional Court regards as minimum living standards, as described above.

The Colombian State increasingly recognises the need to connect development and collective reparations. The peace accord with the FARC for example mentions the government's commitment to include a reparatory focus in the 'Territorial Rural Development Plans' (TRDP) introduced by the accord, by incorporating collective reparation plans within these TRDPs. It also makes the level of victimisation and affectation by conflict a selection criterion for the implementation of these plans (Gobierno de la República de Colombia y Fuerzas Armadas Revolucionarias de Colombia 2016). Yet although this makes reparation part of development, it does not necessarily make development part of reparations, since the accord does not state that all areas heavily affected by conflict will receive a Territorial Rural Development Plan. Instead, in regions where no TRDP exists, collective reparations processes will simply be strengthened (Gobierno de la República de Colombia y Fuerzas Armadas Revolucionarias de Colombia 2016). Development and reparations are therefore not inextricably connected.

Although development in itself is not reparatory, since it benefits society as a whole (Hamber 2000), its reparatory potential can be enhanced by its 'symbolic delivery' through symbolic forms of reparation that explicitly recognise that services were provided in recognition of the State's failure to protect a specific group of people from being harmed in a particular way (Uprimny Yepes 2009). This can prevent reparations from losing their 'normative distinctiveness' caused by addressing victims and non-victims alike (Pérez Murcia 2014, Urban Walker 2016) while at the same time avoiding the creation of divisions between victims and non-victims who are all in situations of poverty (Uprimny Yepes 2009), a tendency described in Chapter 6. Reparations could have a more transformative impact if they were better able to combine reparative – symbolic recognition of the harm done – and distributive – social

³⁹ In 2016 for example, the VU budget provided 145,000 million pesos (approximately £37,15 million) on implementing information technologies and improving attention and communication channels, compared to a combined 85,364 million (£21,88 million) for the implementation of integral individual and collective reparation measures (Unidad para la Atención y Reparación Integral a las Víctimas 2016).

services and development – elements, as other authors have suggested (Cahn et al. 2010, Uprimny Yepes 2009, Waldorf 2012).

There are two important caveats to make. First of all, reparation needs might be different for people who experienced conflict in different ways (Rettberg 2008). For example, as I have described in this chapter, people who have lost family members tend to place a greater emphasis on the need for truth. Therefore, just like TJ should not be seen as a one-size fits all approach, reparations should also be seen in a more flexible way, offering different approaches to groups of survivors who were affected in different ways. Within this more flexible understanding of reparations, I argue that development and social justice measures should be seen as key elements of reparations for people, including IDPs, who saw their socio-economic situation affected by conflict. Moreover, it is important to recognise that people's priorities are not fixed. 'Pragmatic pluralism' (Shaw and Waldorf 2010: 22) suggests that people select those strategies which are most likely to guarantee survival and post-conflict reconstruction, based on the given political and historical context. Priorities in terms of TJ strategies are therefore likely to change over time.

Secondly, a precondition for connecting reparations and social justice is the political will to transform structural inequalities. Unfortunately, goals of social justice and structural transformation do not sit well with the neoliberal discourse of privatisation and 'development' which is promoted by many States that support or implement TJ (Laplante 2008). This points to the risk of reparations and other TJ measures being used as a façade for maintaining the status quo, with States appearing to 'do something' for conflict survivors without recognising or committing to reform structural inequalities (Dancy and Wiebelhaus-Brahm 2015, Sandvik and Lemaitre 2015). This way, TJ itself becomes a performance by States attempting to improve their international image, explaining why States and donors often prefer reparations for their promise of transformation while being short-term in nature and with few consequences for wider redistributive social policy (Barkan 2000, Firchow 2013). Yet if reparations would be reconceptualised in a broader way, as already part of development and social justice measures, States would find it harder to use reparations as a smokescreen or an easy way to increase their legitimacy (Douzinas 2000), since they would be obliged to commit to structural change. Although this might cause States to be less eager to

implement reparations altogether, it would also force them to be more honest in their intentions and prevent survivors from feeling ‘duped’ by reparations (Crosby et al. 2016) that in spite of promises of transformation provide little more than monetary compensation (Miller 2008, Rubio-Marín 2009b, Viaene 2010).

Conclusion

The slowness and incomplete results of both land restitution and reparations, compared to the high expectations that were created, have produced frustration and even distrust among residents in Chibolo. Although people identified the need for a dignified life and government support to transform their prospects for the future, their hopes have so far been idle. This raises wider questions about reparations’ potential to transform people’s lives, as long as TJ continues to leave structural violence unaddressed. The prioritisation of civil and political over social and economic rights is a key problem, which explains the gap between the needs of survivors and what TJ currently offers them. I therefore argue for a broader conception of transformative reparations, connecting them to wider measures of symbolically delivered social justice and development. In the next chapter, I demonstrate how this relates to gender, looking deeper into participants’ gendered roles and needs for the future, and analysing the scope for reparations to transform gendered inequalities.

Chapter 8. Imagining post-conflict gender equality: what can reparations do?

In the previous chapters, I have described the gender dynamics in La Pola and La Palizua and women's passive engagement with citizenship, the everyday impacts of the Victims' Law and the way it responds to the communities' needs for the transformation of their lives. In this chapter I bring these different threads together to analyse whether TJ in the form of reparations can contribute to the transformation of gender inequality. I start by describing the gendered impacts of conflict and displacement in these communities, and analyse whether and how the Victims' Law responds to these. I then discuss the Victims' Law's 'differential focus' in theory and practice, and explain why the way it is currently implemented jeopardises its potential of gendered transformation, for reinforcing patriarchal and protective representations of women rather than enhancing their agency. I conclude the chapter by analysing how women's own ideas about their post-conflict future can serve to explore alternative representations of women, which can be more helpful to build the active citizenship needed for a 'post post-conflict' future, in which gender inequality can be gradually transformed.

Gendered experiences of conflict and transitional justice

Before proceeding to explain the way in which the Victims' Law addresses gender relations, it is important to briefly describe the gendered experiences and consequences of displacement in Chibolo. Similar to present-day violence against women, described in Chapter 5, violence against women during the conflict was not explicitly discussed in La Pola and la Palizua. Most participants spoke about the people who were killed, most of whom were men, or the fear that both men and women experienced. Nevertheless, the use of sexual violence was widespread in Colombia's conflict. Records from the prosecutor's office show that the *Bloque Norte*, which was active in Chibolo, was the paramilitary group responsible for most cases of sexual violence (Gutiérrez Bonilla et al. 2015). This makes it plausible that the crime was committed in Chibolo too. Guillermo, one of Palizua's community leaders, repeatedly mentioned that several women in a part of Palizua to which not all people had returned – since opponents of land restitution were still occupying this land – had suffered sexual violence (Informal conversations 1 and 10 December 2015). Yet to Guillermo's frustration these women

did not want to speak publicly about this. Talking about sexual violence is perceived as risky in patriarchal societies or in communities where women are unequal in terms of marriage or land rights and where survivors of sexual violence are often stigmatised. At the same time it should be considered that women might prioritise other aspects of their stories over sexual violence (Crosby and Lykes 2011, Enloe 2000). Although silence is counterproductive to TJ and can be a form of oppression imposed by society, it can also be a strategy women put in place for their protection and survival, and for maintaining social relations and a peaceful life in a society that is not ready to listen to certain stories. Their silence can therefore be a form of agency, or even a form of grassroots resistance against the colonisation of international legal and humanitarian norms and agencies (Eastmond and Selimovic 2012, Helms 2013, Kent 2014, McEvoy-Levy 2007). Silence should be respected, perhaps also by researchers, since breaking it can disrupt survivors' support system (Fujii 2010, McEvoy-Levy 2007). I therefore decided not to actively probe for testimonies about this aspect. The occurrence of sexual violence in the communities was confirmed to me by a State official involved in the reparation process, although she admitted it was not spoken about much. She also described that other forms of gender based violence, such as forced labour, were committed by the different illegal armed groups (Interview with the researcher 26 October 2015). During my fieldwork I heard similar stories about forced labour, such as cooking. People however did not seem to consider this as particularly gendered, or even as a significant aspect of the conflict period. Their attention focused on the stories of the moment of displacement and encounters with the paramilitary in which people were interrogated or threatened. This confirms how the direct violence, mostly targeting men, outweighed more subtle, gendered forms of violence.

The impact of displacement on women's roles

Although displacement and the move to the cities changed the lives of many people, it is likely to have produced an even more radical change for women's lives. As an employee of one of the involved State institutions explained, women's daily routine changed from taking care of the household to working outside the house to provide income for their families (Interview with the researcher 26 October 2015). This activity was crucial because most families' incomes plummeted as a result of displacement,

since men's agricultural skills were of little use in the cities. This is a common pattern in situations of conflict and displacement (Bop 2001, Calderón et al. 2011, Meertens 2001, Zuluaga-Sánchez and Arango-Vargas 2013). This initially produced shame for some participants, who were not used to working outside of the household, as Marta described:

When I was displaced, I went to La Estrella. There I did laundry. (...) I had never washed in the street before, but I had to wash in La Estrella, in the street. The first days I felt ashamed, but when you get used to it, you no longer feel ashamed to walk with that bag of clothes (Interview with the researcher 26 February 2016).

Following patterns of women's entrance in the labour market in urban areas (Federici 2012, Jelin 1994), in line with their gendered roles most women worked in domestic and household tasks, doing laundry, working as maids, or selling food or handicrafts. Yet reflecting a common pattern in Latin America (Jelin 1994), women's new roles did not alleviate their household tasks, with men's contribution to household or caring tasks not increasing. Thus as explained in Chapter 5 women now had a double burden. Moreover, women often had unstable and low-paid employment with long hours, making it difficult to maintain a normal family life (Olavarría 2006). Some participants expressed sadness for having been unable to provide their children with the food and attention they needed. Patricia told me how she worked as a maid and was only able to come home every other week. Even though she and her husband worked very hard, the money they earned was hardly enough to survive. Her children were looked after by her eldest daughter, herself a teenager. Working so hard and still being unable to provide an appropriate childhood for her children produced stress and anxiety (Informal conversation 15 October 2015). Ligia told me how she and her children worked in the market in order to maintain the family, and how they were almost always hungry. Claudia also described the hunger and tiredness she experienced during displacement, and the difficulty in providing her children with schooling, food and health care (Informal conversations 5 October and 5 December 2015). This feeling of failing in motherhood's tasks of caring and providing food and education for their children was strong for some participants and provoked a sense of powerlessness, 'maternal failure' and being incompetent as women (Lemaitre 2016). The poverty these

women experienced reflects the ineffectiveness of the State's provision of humanitarian assistance for IDPs described in Chapter 3. It should moreover be recognised that people like Pablo, Clara and Felipe did not denounce being displaced for fear of repercussions, since paramilitary influence in the region remained strong (Interviews and informal conversations 15 November 2015, 5 January and 24 February 2016).

Displacement however was not entirely negative. Some women spoke positively about their changing gender roles during the period of displacement. Ana explained how she attended training in the city where she sought refuge, giving her a sense of pride:

When I went to Valledupar I went to declare, and there I was given some training and they even gave me a travel allowance for the taxi... My husband didn't continue but I did go, I attended. And they even gave me a diploma, I have it there in the folder (Focus group 18 March 2016).

Also other participants mentioned how they received training, pointing proudly to the diplomas they had acquired. Palizua's leader Josefa explained how she ended up working in a small factory, earning a good salary. She explained that she enjoyed this new role, since she was never really made for working in other people's houses anyway (Informal conversations 9 September and 8 October 2015). Other women also expressed pride for having been able to raise their children in difficult circumstances. This demonstrates that conflict often shakes up existing power relations, and can therefore also provide opportunities for producing change and increasing women's agency (Björkdahl and Selimovic 2015).

Nevertheless, as other research in and beyond Colombia has confirmed (Aguirri 2012, Bop 2001, Justino et al. 2012, O'Connell 2011, Zarkov 2006, Zuluaga-Sánchez and Arango-Vargas 2013), changes in gender roles during conflict are often temporal, failing to lead to structural changes in gender relations or increased bargaining power for women within their households. This was apparent in Chibolo. As described by Jiménez Ocampo et al. (2009), after returning to the land women took up their traditional gender roles again, allowing them to take care of their families properly, reducing feelings of stress and 'maternal failure'. This contrasted with the stressful period of displacement, in which they had the double burden of working within and beyond their own households. Edilia, for example, explained that despite the pride in having raised her daughters alone after separating from her partner, she stopped working

as soon as she married her second husband. After all, now she had a man who would help her with everything again (Informal conversation 19 September 2015). This illustrates how women's role as breadwinner is often seen as a 'disturbed order of things' (Kabachnik et al. 2012: 775). Returning to pre-conflict gender roles is thus often seen as a symbol that the conflict and the corresponding shifts in power structures are over, and normal life can be resumed again (Björkdahl and Selimovic 2015, Sjoberg 2016). Ana explained that she came back to the land to care for her husband: 'The girls (her daughters) told me: "Mommy, you have to go to daddy because daddy is skinny!" Haha! "And he has a bad colour". And I said ok, I will go' (Focus group 18 March 2016).

Displacement also had gendered impacts for men. As in other cases of displacement (Kabachnik et al. 2012), being displaced produced a sense of emasculation for men in Chibolo, who felt useless as farmers in the city and unable to comply with their gendered role of being breadwinner. This was even more so in cases where families broke up as a result of displacement, as Mauro described:

All the time I remembered the seven years of work with my children that I left behind. That was really... The first days after we had left were very hard for me. I was left without my wife, without my land (Interview with the researcher 19 January 2016).

For men in and beyond Chibolo (Jiménez Ocampo et al. 2009), returning to the land therefore meant the restoration of a sense of successful masculinity. It is widely recognised that this post-conflict reassertion of 'hegemonic masculinity' and the subordination of women by men can lead to a post-conflict backlash of violence against women (Barker 2005, Pankhurst 2008b, Sigsworth and Valji 2012).

Unfortunately, as in other contexts (Aguirre and Pietropaoli 2008), TJ in Colombia fails to engage effectively with these temporary shifts in gender roles. A first step towards changing this would be to alter the perspective of looking to the past. Rather than merely focusing on women's difficult experience of displacement in terms of their double burden, instead their economic participation and part in the survival of their families should be recognised and valued, as a first step towards changing gender roles (Weber 2016a). Women should therefore not just be seen as victims, but also as social and economic actors, and as citizens, as I discuss in more detail in the rest of this

chapter. Moreover, men's failure to assist with household tasks and relieve women's double burden should also be pointed out. TJ and other post-conflict mechanisms could capitalise on this by using these temporarily changed gender roles as a starting point for analysing men's and women's feelings of failure but also pride, comparing them to expectations of traditional gender roles. Historical memory processes can play a role in this. They can help elicit what Weine (2006: 154) calls 'heroic ideas' which originate as a result of the 'energising nature of catastrophe'. Therefore, if historical memory adopts a broader approach to history, not only taking into account the traumatic events related to political violence but also valuing the positive changes that arose from the shifts in power relations that took place during conflict, it could play a role in consolidating these temporary changes and modifying rigid expectations of gender roles. Copying initiatives of civil society organisations in Timor-Leste (Kent 2016), historical memory could help increase the understanding for women's need for agency and citizenship in the present, by stressing their agency during and before the conflict – for example in the pre-displacement women's committees described in chapter 5.

The Victims' Law's differential focus in theory and practice

The failure of TJ to respond to temporary changes in gender roles produced by conflict leads to the question of how the Victims' Law engages with gendered inequality and experiences of conflict. As described in Chapter 3, the law's 'differential focus' aims to protect and promote the participation of vulnerable groups, including women and LGBT people, and 'contribute to the elimination of patterns of discrimination and marginalisation that might have been the causes of the violations' (Ministerio del Interior y de Justicia 2011, art. 13). The following describes how this differential focus plays out in practice in the land restitution and reparations process.

Restitution and gendered conceptions of land

The element of the Victims' Law with perhaps the clearest potential to transform gender relations is land restitution. The Victims' Law provides for special norms for the preferential treatment of women in the land restitution process, including a specifically designed programme and trained personnel, as well as women's general prioritisation in

accessing benefits such as credits, education and training (Ministerio del Interior y de Justicia 2011, art. 114–118). But most importantly, land titles are now being registered in both men's and women's names (Ministerio del Interior y de Justicia 2011, art. 118). This can be seen as an important step towards transforming gendered inequality, since owning land and property makes women less vulnerable in case of divorce or their husbands' death (León 2011). Claudia, who used to be active in the women's committee before the displacement, explicitly mentioned the importance of shared land titles:

Before it wasn't like this, because the board would meet and decide who would work for the land title, and they only took the name of the husband and they didn't consider that perhaps the woman could also appear in this document. This was a mistake. And I will tell you it was a mistake, because it affected many women. Because I know a woman, (...) during displacement she broke up with the man, and now she doesn't appear in anything. She doesn't appear and she has no rights, because she was left by him and he married again and kept the land (Interview with the researcher 5 October 2015).

During my return visit to Chibolo in May 2017 I asked the women's groups in both communities what they considered to be the importance of the joint land titles. After some probing most participants agreed that the joint land titles were a recognition of the work of women and the 'nuclear family', a reflection of women's rights, and a protection against *machista* husbands who could otherwise just sell the land at their discretion, whereas now they need their wives' signature to sell or to obtain credits (Meeting notes 9 and 11 May 2017). Nevertheless, although the men and women I interviewed agreed on the importance of shared land titles as a formal recognition of women's rights, overall I identified few *actual* changes in the way men's and women's relationship to the land were perceived. This was illustrated by Josefa, who played a crucial role in the return process in Palizua. Nevertheless, she told me that she did not attach much importance to actually owning the land, despite buying her own cattle to obtain more security and independence from her husband (Informal conversation 8 October 2015). This was also the case for Juana, who when asked about her husband Juan's whereabouts would say 'he went to one of his *fincas*' and accompanied Facebook images of the pavilion they built in front of their house with the caption 'the pavilion of Juan García' (Field notes 9 May 2017). The idea that she also owned or contributed to this property had not yet been interiorised, even though she was the person in charge of

managing the finances of the family's milk and cheese business and therefore played a crucial role in the family *finca*.

This gap between the formal and real understanding of gendered property rights can be explained by a paradox in the land restitution process. Although the end result of this process is a joint land title, a case can only have one claimant. This tends to be the man, in his traditional role as head of household representing his family. The view of men as *real* owners of the land therefore continues to dominate. As Meertens (2015) describes, women only tend to be included in the land title because of their link to men as wives. This was also confirmed in Chibolo, where according to one of the leaders the latest land restitution sentence in La Pola focused on male owners and did not include all female partners (Focus Group 19 March 2016). Correction of this omission is now being demanded by CJYC (Informal conversation 24 May 2017). This demonstrates the point made by an employee of Dejusticia (Interview with the researcher 28 October 2015) that even the land restitution judges failed to consider women as owners of the land in their own right because of their agricultural work or their household work in support of the family. They rather regarded women as an extension of their husbands, therefore being easily forgotten. This was also reflected by comments made by women like Claudia and Elena, who were not aware that they would now also be included in the land titles, or even wondered if they would receive compensation, since all the paperwork was in their husbands' name (Informal conversations 15 September and 4 October 2015).

The low priority of shared land ownership among women can also be seen as a result of the failure of the responsible State institutions to value the importance of shared land titles and their potential for transforming gendered inequality. This might be explained by the disconnect between the State and the communities described in Chapter 7, which means that policies for rural areas are designed in urban areas, and might therefore lack the required understanding of the ways of life and gender relations in the countryside. When asked about the gendered impact of the land restitution process, the official responsible for the implementation of the land restitution sentences in the department of Magdalena did not even mention the shared land titles. Instead, she admitted not to be very familiar with the differential focus: 'I don't handle this issue of the (differential) focus very well. That's why I'm telling you, we're always talking

about this focus but sometimes we don't know...' (Interview with the researcher 19 October 2015). As an interviewee of UN Women affirmed (Interview with the researcher 26 January 2016), this reflects how in spite of most stakeholders' formal acceptance of a gendered perspective, its implementation is a real challenge. This is even more so at the local level, where resources for gender experts and training are scarce (Gutiérrez Bonilla et al. 2015). When asked about the joint land titles, the local LRU employee admitted that there is often no time to deal with this issue in depth with the communities, and that it is most often the men who come to the ceremony to receive their land titles (Interview with the researcher 19 October 2015). This resembles the situation in Chibolo, where women generally showed little interest to attend meetings, as they considered their husband's presence sufficient, especially since issues related to land were traditionally regarded as men's business, as described in Chapter 5. The Victims' Law process does little to change this and make women more aware of their own rights to the land. As a former LRU employee previously involved in the process explained:

Lack of information. Yes, I believe that she can appear in the title and she will not even notice that she is included. She isn't aware of anything that happened in the process. She knows that her husband went to many meetings and that the land title is there, but she is not aware what this means, and what it means that the land is hers. And you cannot achieve that in one meeting. That requires a conception of a process (Interview with the researcher 21 December 2015).

The joint land titles therefore seemed to be conceived mostly as a formal 'gendered measure'. But unfortunately, having *de facto* property rights is often not enough for women to actually enjoy these rights (Greenberg and Zuckerman 2009). This would require specific attention and accompaniment to start reconceptualising women's relationship to the land, including the recognition of women's contribution to the farming economy as equal. A package of rural development measures would be needed to enable women to become and be recognised as agricultural workers and administrators of the land in their own right (León 2011). Reparations could contribute to increasing women's political and economic role and status, as I explain in the final section of this chapter. It is however also important to remember that although joint land titles do not seem to have an immediate effect, they could have a more long-term impact

on gender inequality, by giving women more leverage in decisions made about the use of the land and by providing more security in case of divorce or death.

The patriarchal understanding of gender relations in farming societies was also maintained by the productive projects provided by the Victims' Law to make the land profitable again. Projects in Chibolo focused on cattle farming, reconfirming the idea that men have the principal relation with the land and neglecting women's agricultural activities, such as vegetable gardens. Changes in this division of roles, through recognising women's participation in agricultural tasks or helping women to explore new ways of generating income – a much needed diversification of family income in times of climate change and the 'new rurality' described in Chapter 5 – were not attempted. It seemed to Patricia that these projects neglected women and their role:

So what we want is that within the reparation we also have a project. I mean, that it is not just for the men, because those projects that they have given, that is just for men (Interview with the researcher 15 October 2015).

Ana agreed:

Well we also need a reparation, so that they also help us to have our things. Like they gave things to the men, they can also help us, because we also work, right? (Interview with the researcher 21 January 2016).

The low priority of the implementation of gendered measures was also illustrated by the delay in designing and implementing women's programmes, as explained in Chapter 3. It took even longer for the LRU to understand the need to pay specific attention to the post-restitution phase. It was not until July 2016 that the LRU launched the second phase of its 'Women's programme', which consists of parallel productive projects for women. The text and content of this programme had however not yet been published at the moment this thesis was written. The responsible LRU official did moreover not know whether these new projects would also be implemented for people who had already received a productive project (Interview with the researcher 29 October 2015). It was moreover unclear how these women-focused projects would relate to the male-oriented projects, and whether they would be accompanied by conversations about gender relations with the involved communities to generate new conceptions of men's and

women's roles in rural societies – or whether they would rather be 'add on' projects for women. This programme seems to illustrate how it is often easier to do something for women separately instead of enhancing shared participation and decision-making among men and women (Bueno-Hansen 2015).

Lack of a real awareness of how to start transforming gender relations was also evident in the creation of the inter-community cooperative for selling milk, which was accompanied by the LRU and the UN. Although this offered an opportunity to include women as equal members and enhance their participation within the community, the possibility of female membership was only casually mentioned, leading to the registration of just a handful of women including Josefa and Carola, who already participated actively in their communities. Most people seemed to agree that the participation of one person per family was sufficient, therefore maintaining traditional conceptions of the husband who represents his family in meetings related to land and agricultural activities, as explained in Chapter 5.

Gender and reparations

Unfortunately, reparations so far do not seem to be any more successful in transforming gender relations. In spite of the potential of especially collective reparations to challenge gender inequality, both through enabling women's participation in the reparation process – described as internal representation by Williams and Palmer (2016) – as well as through measures to increase women's participation in society and their access to resources – external representation – the results of this process in Chibolo are rather meagre. In terms of women's participation in the process, in several meetings that I attended between the VU and community members, explanation of the Victims' Law's differential focus mainly addressed the need to protect LGBT rights, which caused great amusement among the community members. The need to ensure women's participation in meetings and decision-making processes was not mentioned (Meeting notes 3 September and 15 December 2015). This is surprising, since women's participation in the meetings, as well as in the *comités de impulso*, as explained in Chapter 6, was low. Instead, traditional gender roles were sometimes reinforced by the way in which the VU meetings with the communities were set up. As explained previously, women were generally asked to cook lunch to finish these meetings. Even though they were

remunerated for this, it reconfirmed their traditional gender role and prevented them from participating actively in the meetings and being informed about their content – a precondition for being able to participate in decision-making processes.

In terms of the collective reparations measures, it should be applauded that the reactivation of the women's groups was included in the collective reparation plans. Nevertheless, this measure was not prioritised by the VU. In one of the meetings I attended in La Pola, the VU insisted that this measure was not a priority for them, in spite of the community's demand for its implementation. The VU argued that the community already had two other committees that were not yet working well. Creating a third group would therefore have to wait for a later stage (Meeting notes 3 September 2015). The fact that the other two committees – the *comité de impulso* and the *Entrelazando* group of weavers – were not created by the communities yet imposed upon them helps explain their lack of effectiveness and shows that if transformation is desired, local needs and ways of organising should be respected and promoted. Although by the end of my fieldwork period the VU had agreed to support the women in their organisational process, when I returned in May 2017 the women's committees had not yet received any financial or logistical support. The committees had been registered by the women themselves, but were still weak and little effective. Several women in La Pola complained to me that often only a dozen women would show up for the meetings, whereas the newly elected president and vice-president showed little initiative for planning lobby activities or project proposals. Women in La Palizua complained above all about the role of their leader Josefa, who they found increasingly authoritarian and self-interested (Informal conversations 8, 9 and 12 May 2017). Both groups would clearly benefit from external support to strengthen their organisational process.

Nevertheless, it should also be mentioned that the reparation process has helped some of the female leaders to break through gendered roles by participating in meetings and trainings and even travelling to Bogotá. Josefa explained that when she noticed that her husband had other women and would leave her for several days, she started going to meetings without asking permission. She said that her husband sometimes got angry but in the end he had no other option than to accept (Informal conversation 8 October 2015).

The leader of a national farmers' organisation recognised this growing confidence among some women:

These women for example, who one year ago did not set foot in a plane, now come to Bogotá. They come and study for a diploma. Josefa has just finished a politics course (Interview with the researcher 30 October 2015).

Furthermore, some younger women have taken up more active roles in the reparations process and the recently formed cooperation, suggesting that change might also be a generational process.

These positive effects however fail to become mainstreamed if they are not accompanied by a more rigorous gender strategy, including further actions to increase women's agency and participation both within and beyond the reparations process. This strategy should be based on a more thorough analysis of existing gender relations. The rigid gender roles in the *machista* context of Chibolo lead to women's subordination and even violence against them, as described in Chapter 5. They prevent women from having a pro-active role in their communities through a more active form of citizenship. These wider gender relations are however not addressed by TJ, or even discussed in the meetings I attended between the Victims' Law institutions and the communities. As Bueno-Hansen (2015) argues, in order to apply a gender perspective to TJ, the staff involved in these programmes should be able to undertake a gender analysis and recognise gendered forms of structural violence. The understanding of the need to apply a gender perspective – and not just a women's perspective – throughout the entire reparations process was unfortunately not evident in my interviews with officials within the VU and LRU. As described in Chapter 3, women's and gender programmes in the VU and LRU were only created several years after the adoption of the Victims' Law, whereas the VU only started a pilot programme to implement a methodology to apply a 'differential focus' to mixed collective reparation processes in 2016. As Bueno-Hansen (2015) points out, it is unrealistic to expect a transformation of gender relations if a gender perspective is not included from the design of a programme onwards, but is only 'added on' along the way. The same can be said for the way in which gender is often limited to specific teams, advisors or programmes, rather than being an integral part of all of the processes undertaken as part of the Victims' Law. 'Adding women' is

common to TJ and human rights processes, as other authors have pointed out (Bueno-Hansen 2015, Charlesworth and Chinkin 2000, Theidon 2009). This however risks creating what Charlesworth and Chinkin (2000) call a miniature ‘women’s ghetto’, which consists of projects or programmes specifically for women, which have less resources, lower priority and fail to address or transform the underlying gendered inequalities. An example of this was the VU’s specific reparation strategy for female sexual violence survivors, described in Chapter 3. According to an interviewee from a Colombian women’s organisation this strategy, although well-intended and integral, had attended very few women, whereas beyond this specific strategy the VU’s work seemed to have little gender perspective (Interview with the researcher 23 May 2017).

Representations of women: victims, peacemakers or citizens?

The limited success of the Victims’ Law in transforming gender inequality can be explained by its understanding of the concept of gender and its representation of women. As explained in Chapter 3, ‘gender’ is generally understood as ‘women’, who merit specific protection on the basis of their vulnerability, and are therefore included in the group of ‘subjects of special protection’. This representation risks reinforcing an essentialised identity of women as vulnerable individuals. This responds to the ‘protective stereotypes’ described in Chapter 2 and 3, and maintains a conception of a patriarchal society in which women and other groups are defined by their vulnerability and in need of protection by and from their stronger peers: men and the State (Buckley-Zistel and Zolkos 2012, Charlesworth and Chinkin 2000, Otto 2010, Walsh 2008). It can be asked who is best served by this protectionist discourse, women or the State? The State’s discourse resonates with historical relations of power and inequality, maintaining certain groups as rescuers of others, without transforming these inequalities (Balaguer Soriano 2015, Boesten 2012, Crosby et al. 2016). This in the end serves the interest of the State, which establishes itself as the victims’ saviour (Madlingozi 2010). This discourse is reflected in a comment by the coordinator of the VU’s ‘Gender and women’s group’ about their reparation strategy for female sexual violence victims:

Well, this is like our most loved strategy within the Unit, because of the moments of satisfaction it has generated for us, but also because for the women

it is the most important, well has been very important (Interview with the researcher 25 January 2016).

The understanding of gender as women who are in need of protection because of their vulnerability is unhelpful for a project like the transformative and differential reparations proposed by the Colombian government, which pretend to contribute to the elimination of patterns of discrimination. Furthermore, these representations and approaches ignore what the experience of displacement has meant for women's roles and how this can help see women in a new light, as social and economic actors.

Women's organisations, such as those interviewed for this research, contribute to this limited understanding of gender. Their work, though undoubtedly important, focuses predominantly on women, and particularly on survivors of sexual violence and female headed (IDP) households. As described in Chapter 2, although these are undeniably grave crimes that seriously affected women, they are not the only ways in which women experienced the conflict. These 'gendered victim categories' keep in place ideas about what 'the' gendered impacts of conflict are and how these should be repaired. This is in line with transitional justice's focus on direct violence, but fails to analyse what happened to women who did not suffer these specific forms of violence during and after conflict (Theidon 2007). Hereby, it risks spectacularising and exceptionalising sexual violence and other forms of direct violence, ignoring historical patterns of structural violence which are experienced on an everyday basis, such as poverty, gender-based violence and gendered inequalities produced by *machismo* as described in Chapter 5 (Back 2007, Crosby et al. 2016). These forms of structural violence are harder to address, and require more far-reaching and longer-term interventions. Although these are generally considered beyond the remit of TJ, I argue that if TJ does not aim to contribute towards these longer-term goals, it risks accompanying transitions to a situation which continues to be characterised by structural gender inequality.

Attention for men and masculinities has so far been absent from the gender policies of the Victims' Law institutions. Work on masculinities – both in terms of research and more practical work with men's groups to transform gender relations – has started in the late 1980s in Latin America (Beattie 2002, Viveros Vigoya 2003). Nevertheless, the stakeholders I interviewed did not mention the implementation of or

need for work on masculinities. My interview questions did not refer to masculinities directly. They rather intended to verify how gender was understood. A comment by the land restitution judge I interviewed exemplified the common understanding of gender as women: ‘we will attend the ladies first, so that they can go home first, and we leave the men for later’ (Interview with the researcher 6 April 2016).

As described in Chapter 2, the other side of the gendered coin is the image of women as actors for peace, which is common among Colombia’s women’s organisations. This representation tends to be linked to women’s role as mothers who ‘don’t give birth to children for war’ (Cockburn 2007, O’Rourke 2013). This was for example evident in Chibolo, where women often mentioned an activity organised by the VU’s psychosocial reparation programme *Entrelazando*, to celebrate Mothers’ Day and pay homage to the *madres luchadores*⁴⁰ (Informal conversations 6 September and 15 October 2015). Although it should be applauded that women’s role was recognised, they were predominantly seen in their motherhood role, reinforcing traditional gender patterns. The focus on motherhood risks viewing women exclusively in their reproductive role, essentialising them as peaceful, while at the same time appearing to suggest that women are superior or ‘more moral than men’, simply for being mothers (Dietz 1987). Furthermore, women on the ‘marginal matrix’ who do or cannot comply with gendered role expectations are excluded (Werbner and Yuval-Davis 1999: 11). Some of the comments made in stakeholder interviews, for example with the VU and a leader of a peasant organisation, echoed this view of women as peacemakers:

We are convinced that women are precisely those who reconstruct the social ties that were affected by the conflict. Since they are survivors of the conflict, they will be rebuilding those social ties. They are the ones who will rebuild the families, the community contexts. We want to support the women to be leaders (Interview with the researcher 25 January 2016).

‘Us women, in our hands are many things’ (Interview with the researcher 30 October 2015).

Yet rebuilding communities that are still characterised by patriarchal relationships is not easy for women. This can place an additional burden on women’s shoulders, especially if they are not supported by actions to transform the patriarchal setting and *machismo*

⁴⁰ Translated as the ‘courageous mothers’, but also referring to the women who came to the communities as part of the group of *luchadores*.

which surrounds them.

These representations of women risk constructing a victim-peacemaker binary (Helms 2013) as the only possible roles for women in post-conflict Colombia. This is problematic, as both roles tend to reinforce patriarchal conceptions of gender roles. Whereas treating women as victims affords them rights on the basis of their – sexual – vulnerability, addressing them as mothers and therefore peacemakers similarly risks reinforcing patriarchal stereotypes about women's gendered role in society. Neither of these representations are therefore helpful for transforming structural gendered inequality. They lack a more nuanced and complex understanding of women's subjectivities, with attention for their role as social and economic actors, both during the time of displacement and at present, as the participants identified through their images (e.g. Images 11 and 12) and photo booklets (see Appendix 7). A different approach to represent women is needed, with more potential to disrupt essentialised ideas about narrowly defined roles, and emphasise and enhance their agency. Addressing women as citizens with a role to play in their communities provides a different lens to look at TJ and specifically at reparations. I finish this chapter by suggesting ways in which reparations can engage with this approach, on the basis of the participants' own ideas about their current and future roles.

Reparations and women's needs for the future

As discussed in Chapter 7, both men and women in La Pola and La Palizua have clear needs for the future that perhaps do not fit more traditional reparation measures, but include issues such as security and development. Through their participation in the Photovoice process, women visualised their situation of poverty and most pressing needs. Although the photo booklets that the participants produced did not directly use the word poverty, the women did talk about the need for a better future and to 'move forward', which was related to different development needs, including electricity and gas. Although these needs at first sight seem trivial, they are in fact linked to more strategic and long-term needs, with gendered impacts. Development services such as electricity would make women's household tasks less time-consuming, enabling them to participate in public activities such as women's organisation, income-generating projects, or just to have some time for themselves and visit friends rather than caring for

others. Many participants mentioned the benefit a washing machine would have, since instead of dedicating themselves to the single task of doing laundry, they could do other tasks at the same time. María José described:

That is why we want there to be electricity, so that one can buy a washing machine (...). With a washing machine, one can do one task and do the other and advance with both tasks. One is not just there, because one loses a whole day, washing (Interview with the researcher 5 March 2016).

The provision of these services as a form of reparation, as suggested in Chapter 7, would therefore also enable women to exercise a more active citizenship, allowing them to stop being ‘slaves of the household’, as María José described her current situation. This dovetails with the historical struggle of Latin American women’s movements, who have combined claiming women’s citizenship rights with demands of redistribution in terms of the provision of education, health, work and housing (Molyneux 2010). This offers a new framework for thinking about gender-just transformative reparations. Some authors are critical of the concept of gender-just transformative reparations, claiming that they risk distracting from women’s direct needs in terms of immediate and urgent relief in favour of wider social change goals that might reflect feminist rather than victims’ demands (Urban Walker 2016). I however argue that these two approaches cannot be seen as separate. Moreover, in the informal conversations and group discussions I had with women in both villages, it became apparent that women did desire wider transformation of gender inequality, which they framed as the need to become more independent.

Education and independence

In the next section I explain which measures women believed could change their lives. Especially the women’s group in Palizua, whom I accompanied for a longer period of time, clearly expressed the desire for independence, pointing out the need for adult education to finish school and become ‘more independent of their husbands’ (Meeting notes 10 September 2015). Many women in these communities were not able to finish primary or secondary education because of difficult family circumstances or displacement. Some of the older women could not read or write. Ana explained that this

made her feel insecure, inhibiting her from participating in meetings outside of the village, for example with State institutions (Informal conversation 21 January 2016). Women like Irene, Cecilia and Elsa expressed the desire to finish their education. Dina considered that ‘being a woman, one is also capable of learning many things’ (Interview with the researcher 10 March 2016). Adult education could therefore help to increase women’s self-esteem and give them more confidence in their capacities to participate in meetings or lobby activities. Education could contribute to women’s empowerment, which Kabeer (2012) and Molyneux (2010) describe as a subjective change in women’s consciousness. This could enhance their agency, or their ‘capacity to act in and influence the world’ (Molyneux 2010: 198). In fact, men’s levels of formal education were also low, and they could also benefit from adult education. This would moreover prevent men’s resistance to women’s increased educational level. Reparation processes could respond to this by providing adult education. This could make a more long-term impact than the compensation currently provided, which was not enough to provoke real changes in people’s lives, as Irene pointed out: ‘what can you really do with \$3 million⁴¹? Therefore people are complaining about the compensation’ (Informal conversation 22 September 2015).

Education is not only important for the women themselves. As in other parts of Colombia (Gutiérrez Bonilla et al. 2015, Ruta Pacífica de las Mujeres 2013), participants stressed the need for education for their children and grandchildren. Elisabeth, Patricia and Jenifer agreed:

I want to improve my life, oh lord. That my children keep moving forward, that they continue studying. That they become professionals. Even if they don’t become professionals, I want my children to move forward (Interview with the researcher 8 March 2016).

I wished that in a future my children were professionals. I mean, that they would have whatever they wanted. Like Paola, she wants to be a teacher, a qualified teacher. And my boys, I wish they could finish their studies that they got a qualification too, in whatever they would like. I mean, I wish we were no longer struggling to keep our head above water, but that we’d have a comfortable life (Interview with the researcher 15 October 2015).

All the hard work I have here in the countryside, well it’s for my daughters. To see if one day we move forward, and I will be able to give them studies and all

⁴¹ Around £2300.

that (Interview with the researcher 16 March 2016).

As in other contexts, the main desire of many participants was for their children to have a better future, not experiencing the same hardships or conflict-related crimes (Crosby et al. 2016). Nevertheless, poverty and the isolation of these villages made it impossible for most families to offer their children access to higher education, as Carola explained:

C: The education after the children have finished high school, higher education is awful.

SW: Where should they receive that?

C: That would be in Santa Marta. That means they need to move out and well, the economic situation doesn't allow for that (Interview with the researcher 3 March 2016).

This limits young people's options for a different future. As mentioned in Chapter 7, although the Victims' Law provides for a limited number of higher education scholarships, these are insufficient (Portilla Benavides and Correa 2015). In Chibolo most people were not even aware of them. Several community leaders regretted how the government did not seem to prioritise the provision of education, which they saw as a key element in producing structural change in Colombia. As mentioned in Chapter 5, in and beyond Latin America a lack of educational or employment perspectives is often accompanied by early motherhood (Barker 2005, Gutiérrez Bonilla et al. 2015, Jelin 1994). Studying would help both boys and girls to make better informed decisions about their life and family plans (Alzate 2008) and would therefore be a generational measure to change gender relations. Community leaders like Diego, Lucía and Josefa therefore insisted on the need for education to give young people more perspectives for the future (Informal conversations 24 and 25 August and 17 December 2015). The VU should therefore expand the number of scholarships it offers and publicise these opportunities more effectively so that people in isolated and rural regions are also aware of them. Moreover, scholarships currently only provide education fees and some utensils and books, which is not enough to enable people from isolated places like Chibolo to study. Therefore, as the employee of the VU acknowledged, many survivors are not satisfied with these scholarships (Interview with the researcher 25 January 2016). The VU should analyse in more detail what prevents people from entering higher education. Scholarships should combat those obstacles and provide students from isolated regions

with a living and travel allowance as well. This could contribute to a longer-term process of overcoming poverty and transforming gender relations.

Beyond providing better access to education, the State's education curriculum should also play a role in transforming gendered inequality, by changing new generations' conceptions of gender roles and identities (Pankhurst 2008a). Education could contribute to the attitudinal changes that are needed to prevent gender-based violence, providing a much-needed link between transformative reparations and guarantees of non-repetition (Durbach and Chappell 2014, Hamber 2007, Rubio-Marín 2012). Although beyond the specific topic of my research, an interviewee from UN Women confirmed that this is a pending challenge in Colombia:

If you pay attention, the (Victims') Law talks about truth, justice and reparation. There is another topic as well and that is guarantees of non-repetition. And if one really wants things to be transformed, the issue of education is central (Interview with the researcher 26 January 2016).

Education can also play an important role in teaching young people what active citizenship means, how they can claim their rights and participate as full citizens in society. This is linked to the need to establish a human rights culture to support democracy and prevent human rights violations in the future (McEvoy-Levy 2007). This way, education can help prevent the feeling of powerlessness that María José described:

I have four grandchildren. I wish they could study and would not go through the same thing. Like us, we don't know anything. We could not defend ourselves against anything, always enslaved, working, burdened with needs. I wish God would help them to move forward, so that they won't live like we have lived all this time. Like in ignorance (Interview with the researcher 5 March 2016).

The relationship between reparations, education, gender relations and citizenship therefore provides an important avenue for future research. This is especially important since public education often lags behind other forms of institutional reform (McEvoy-Levy 2007).

Work and economic independence

Education and training opportunities are related to the often-mentioned need for livelihood projects so that women can generate income. This would enable women to gain more independence of their husbands, as Eloisa explained:

I wish they would organise trainings. I mean, a way to prepare the women here so that they have their own productive project. So that they do not only have their birds and things like that, and wait for the husband to receive his project, since he is who sells the little bit of milk, he is who brings in the material things, and she is just there, like it always has been... No, we would like to generate our own income (Interview with the researcher 31 March 2016).

Generating income would not only benefit women themselves, but also contribute to the wellbeing of their families. Carola considered that this could making their economic situation a bit more stable:

I think it would be good to receive training and that there'd be a project for women, so that we can also get by in other ways. So that we learn about the countryside, but also learn other things, so that one helps oneself in different ways. (...) With other ways of generating income, so that it is not just the income of the cattle (Interview with the researcher 3 March 2016).

Women had plenty of ideas about which projects could work. In the group sessions and interviews they mentioned projects to breed animals like chickens, fish or goats. The animals procreate and can then be sold, while eggs can be sold and generate income on a continuous basis. Although women already held farm animals, this tended to be on a small scale, only for family consumption. Women would however like to generate income, as Josefa explained: 'Women's groups can set up a small business here, of dressmaking and selling outside, or even here. One generates income and generates work. Income and production' (Interview with the researcher 19 November 2015). Women like Claudia moreover considered that livelihood projects or small women-led businesses should not be not just for themselves, expressing the desire to undertake them as a group: 'Because if one aspires to have a bakery, one would no longer be working alone, but it's a source of work for others. I would like that' (Interview with the researcher 5 October 2015). These ideas correspond to the suggestions of other authors (Durbach and Chappell 2014, Rubio-Marín 2009) to provide skills training and

opportunities for economic development, based on locally defined needs, as transformative reparations. At this moment however reparations do not respond to these specific needs.

A recent experience in Chibolo has however also taught that not any project serves this purpose. In 2016, civil society organisation CODHES, which supported both communities with a project to strengthen their organisation and participation in the collective reparation process, decided to donate a women's project to each community. The women themselves could choose the project, which led to intense discussions. Eventually, the women in La Pola chose a bakery project while the women in La Palizua preferred a tailoring project – responding to traditional gender roles. Afterwards, women like Marta from La Palizua and Jenifer and Patricia from La Pola expressed their discontent, questioning how economically beneficial these projects would be and complaining that the leaders always ended up having their way (Informal conversations 24, 25 and 27 February 2016). Eventually, the tailoring project in La Palizua never materialised, whereas the women in La Pola received some trainings on baking bread and cakes, but as they did not receive ovens or the required ingredients to continue baking, they never started selling bread. Instead, both communities received a project of laying hens, which would produce some income through the sale of eggs.

Unfortunately, these projects did not meet the women's expectations. Both groups complained that they were not provided with the promised inputs to make the projects profitable. Instead of several months' worth of special food for the chickens, they had to, almost immediately, pay for the food themselves, which made it more difficult to make a profit. During my visit in May 2017, most women I spoke to complained that the projects were hardly profitable, since the money made selling the eggs was only just sufficient for buying the food for the chickens (Meeting notes 9 and 11 May 2017). This was at least what most women believed, since there was little transparency about the projects' finances. Although in a meeting with the women in La Pola it became clear that the projects did in fact make a small profit, which in the long run could enable their expansion, many women still seemed disappointed by the lack of quick results. More importantly, the lack of organisation and active participation of some of the women presented a serious obstacle for the success of these projects. Several women quickly lost interest in the project when they noticed that this required

them to go to another part of the community and invest time in something not that evidently profitable, while others admitted they sometimes forgot to do their turn at taking care of the chickens. This led to frustration for the women whose house served as the basis for the chickens, who had to take on other women's turns. Many participants therefore seemed more favourable to the option of dividing the laying hens so that every woman could take care of her own chicken. This was particularly true of the women in La Palizua, where organising proved even more difficult because of the complicated personality of their leader. They opined that in the future they would prefer individual rather than group projects, which they could work on from their homes, without losing time for their household tasks – unless the project were a lot more substantive so that there was a bigger incentive to invest time and energy. This shows how projects that are not well designed or for which women are not well instructed can end up having counterproductive effects: making women disillusioned and fracturing their already fragile organisational process. Moreover, the experience reflects that the women expected to receive a project that would immediately be profitable, rather than requiring their own work to make them profitable, suggesting the existence of the culture of entitlement described in Chapter 5.

This experience taught different lessons. First of all, it demonstrated how organisation and accountability among women is crucial for the success of these projects – an aspect which was clearly lacking in Chibolo and which I discuss in more detail in the following section. Secondly, as an interviewee of a Colombian women's organisation pointed out (Interview with the researcher 23 May 2017), projects to improve women's economic situation do not necessarily improve their quality of life, since if they are not accompanied with efforts to change the division of household and caring tasks within the family, they will most likely end up producing an additional burden for women. This can cause stress, which might outweigh the intended benefits of the project. This partly explains why many women in Chibolo soon lost interest in the project, and suggests that more is needed than just a 'project for women' without addressing gender relations in a broader sense. Men also need to be involved, as increasing women's participation in the public or economic sphere must be accompanied with changes in the private sphere. This demonstrates how citizenship

transgresses the boundaries of public and private, since it is also related to role and power divisions in households and communities (McEwan 2005).

The tendency of donor agencies to provide projects for women responds to a wider trend. Women often receive more humanitarian assistance because they are considered to be 'more true refugees', comprising the majority of refugees and displaced people (Hovil 2012: 340), and being seen as natural peacemakers because of their roles as mothers (Helms 2013). As described in Chapter 5, male community leaders like Diego, Roberto and Tomas were aware of women's prioritisation in these types of projects, especially in the post-conflict situation. This can however also cause jealousy if men feel discriminated against, as has happened in other parts of Colombia (Jiménez Ocampo et al. 2009) and in other parts of the world where support for women led to a sense of emasculation among men which caused them to reassert hegemonic forms of masculinity (Turner 2000). This tension was already visible in La Palizua, where Tomas insinuated that if the women were not quick enough to fulfil the requirements for the projects promised by CODHES, the men would come up with a project for themselves instead (Informal conversations 15 and 22 February 2016). This shows how a delicate balance must be struck with the provision of 'women's projects'. If these projects are economically successful, they might lead to resistance or even violence by men, as women start to challenge their position (Cornwall 2000). Yet if they are unsuccessful, not only might women themselves lose interest – as happened in Chibolo – but men might also stop supporting women's participation, forcing them back into their traditional gender roles. Either way, the experience reflects the importance of combining work with women with parallel or actions targeting men, preferably integrating both interventions at some point. This could help men to stop seeing women's economic participation as a threat and women as competition, and understand the benefit for their family's well-being, which as Barker (2005) describes is a powerful reason for many men to transform their lives.

Finally, the experience shows that it is important to analyse what type of projects most interest women while at the same time being profitable enough to produce change in their economic situation. As the interviewee from the women's organisation remarked, providing laying hens is the most common project for women in Colombia, even though it hardly ever manages to transform women's economic situation

(Interview with the researcher 23 May 2017). It should be better analysed which projects can actually provide women with the skills needed for successful integration in the local economy (Aguari 2012). As Helms (2013: 113) describes, although projects like the one provided might be more easily accepted for being seen as ‘not rocking the boat too much’, in the end they risk reconfirming traditional gender roles and do little to change gender regimes, since they do not change conceptions about women’s roles and activities, nor do they provide them with sufficient income to enhance their autonomy and influence in family decision-making processes. This is especially true for women in rural areas. Like in other contexts (Masaiganah 2012), women in rural areas in Colombia are less able to engage in income-generating activities than women in urban areas. Although there are institutions that offer trainings for women, trainings are usually held in urban areas like Chibolo, which makes participating a logistic and financial challenge for most women. The LRU could take women’s own ideas about this into account when implementing their new women’s programme. The women in Palizua for example expressed an interest in learning more about veterinary science, in order to play a more active role in the functioning of their cattle farms (Meeting 10 September 2016). If well designed, measures such as these could challenge women’s traditional gender roles and enhance their roles as entrepreneurs, as the women in Palizua suggest (see Appendix 7). A larger role within the family and community economy could enhance women’s independence and contribute to the new identity for women in the countryside, argued for by Meertens (2015).

Organisation

As described above, the experience with the chickens’ projects demonstrated that for income-generating initiatives to work, the women need to be better organised. As explained in Chapter 5, creating stable women’s groups has not been easy in these villages, where women had little experience in organising. Women however became increasingly aware of the need to organise, as Claudia and Ana explained:

This is what I would like, that the other women would be eager for this. Because all together, we can really achieve something (Interview with the researcher 5 October 2015).

That's what I say to these women: aha what are we going to do? We have to do it soon, to see what we will achieve, because if we are like this we are not doing anything (Interview with the researcher 21 January 2016).

In this regard, women's participation in the reparation process could give a positive impulse to their organisational process in several ways. First of all, if stronger efforts were made to increase women's participation within the reparation process itself – what Williams and Palmer (2016) call internal representation – women might get more used to participating in public spaces and lose their discomfort with speaking out. Women's external representation – in society – could be enhanced by enabling them to learn from examples of how women in other parts of Colombia have organised:

After having attended a meeting of different *comités de impulso* in Santa Marta, Patricia said that she saw different organisations that had women's groups. She seemed very enthusiastic about this, and said she had seen how well these groups worked and how they managed to obtain all sorts of projects. She said it is a pity that the women in La Pola are not really interested in participating. They think it is a waste of time (Field notes 14 October 2015).

Through the organisation of discussion forums and exchange meetings, women could learn from the experiences of other women's groups in obtaining funded projects and discover the benefits of organising. This could increase their interest in an authentic organisational process – in contrast to the committees created by the VU. This could be complemented by specific training on the bureaucratic and financial requirements of running a women's committee and elaborating project proposals, as well as teaching women the lobby skills needed to get their demands across to the local and national government. Other experiences in Colombia have showed how organising in women's groups or organisations can help women to not only find solidarity which helps overcome the effects of conflict, but also reflect on their identity and rights as women, to then proceed to claim these on the basis of shared needs for improved living conditions (Grupo de Memoria Histórica 2010, Ruta Pacífica de las Mujeres 2013). Being part of a local women's organisation can thus help women to stand up for their own rights as women, and become more autonomous political actors (Korac 1999), contributing to what Madlingozi (2010) calls 'political subjectivity'. This would enable women to engage as active citizens.

Reparations, gender and citizenship

These reflections show that women's needs for the future go beyond compensation or material reparation. Gender-just reparations should send a message of recognising and reinforcing women's important role as social and economic actors. Support in terms of vocational training, organisational skills and livelihood projects could help them to increase their independence and autonomy. This is important, since the discussions about what a fair reparation meant for them tended to demonstrate women's weak sense of citizenship and lack of agency. These comments by Claudia and Irene for example show their passive attitude towards the government and their own roles in improving their lives:

The government says we are deserving of a decent house and well, of many things, so we have to wait for what the government will give us. What it gives us, we will receive (Interview with the researcher 5 October 2015).

One needs to be content with what the government gives, the 22 million⁴². Because one cannot argue with the government that they have to give us more, if everyone has received like 20 million (Interview with the researcher 1 December 2015).

This reflects that in contrast to their activities as part of the pre-displacement women's committees, women are no longer used to mobilise and demand their rights. As a result of historic patterns of clientship and paternalist welfare policies – described in Chapter 5 – and reinforced by the victim identity described in Chapter 6, they now merely wait to receive things from the government. Reparations in their current form tend to reinforce this role of receiver, which is rather passive and risks maintaining women in a position of subordination. The aspect missing in women's visions of their future is agency. Education, training and economic independence can play a role in enhancing women's agency. Research in Peru has demonstrated that lower levels of education and an unpaid occupation lead to lower levels of resilience, while participation in a civic association leads to higher levels of resilience and social repair (Barrios Suarez 2015). An element that could bring these factors together and consolidate women's role as agents is citizenship. Citizenship can be used as a political tool to combat women's subordination

⁴² The '22 million' refers to the productive project that is provided together with land restitution, which consists of support measures of an amount of 22 million pesos.

(Lister 1997). Several authors (Kabeer 2012, Molyneux 2010) describe how leadership training for women can play a role in building citizenship, together with the provision of spaces for awareness raising among women about the meaning of active citizenship and the need to demand recognition for their roles in their family and community. Reparations could play a role in constructing a more active practice of citizenship for women through the delivery of such training, which can strengthen group-based solidarity. This would help them to become more active agents and overcome clientship and victimhood mentalities. Active citizenship would instead teach women that they themselves can have a role in improving their own lives, for example as part of the community or women's associations. This would make them less dependent on their husbands, but also on the State and its assistance and reparations. As described however, preconditions need to be in place for this active citizenship, linking back to the argument made in Chapter 7 that reparations need to provide survivors with the preconditions needed to transform their lives, by addressing structural violence and providing social justice measures.

Yet attention for women is not enough in this regard, as changes in women's role and position can generate resistance among men. Therefore, working with women should be accompanied by and linked to work with men. As mentioned above, Latin America has experience in working with men's groups (Viveros Vigoya 2003). Although it seems unlikely that men in a patriarchal context like Chibolo will be interested in forming 'men's groups' with the explicit goal of discussing masculinities, providing citizenship skills trainings for men and women – both separately and together – could be a way of involving men in this long-term process of gendered transformation. Citizenship training and adult education as previously mentioned could bring the parallel reparation processes for men – through the restitution projects which focus on cattle farming – and women – providing training, organisational strengthening and livelihood projects – together. This process can help men to understand their rights and obligations as citizens and join forces with women to improve their communities' well-being. Citizenship should also be addressed in education processes in Colombia, building new generations of active citizens who claim their rights instead of waiting passively for what the government gives them.

Citizenship training could be complemented by reflection and discussion spaces among men. Men tend to be concerned with key aspects defining their manhood, such as work and paternity. These are principal axes of hegemonic models of masculinity (Olavarria 2006). Discussing these issues, for example framed in terms of their families' economic well-being or their children's future, could be a way of engaging men in these longer-term processes of transforming gender relations. Addressing men's roles in terms of fatherhood could also be a way of discussing the need for their increased involvement in caring and household tasks. Barker (2005) has described how in other contexts peer groups among (young) men have been successful as support mechanisms and safe spaces to discuss and critically reflect upon harmful effects of masculinity on their own lives. Cultural expressions, such as music, can also be important outlets for frustrations and reflections, providing more neutral leads into topics which are delicate to discuss (Barker 2005). As described in Chapter 7, Pedro wrote a song about his longing to return to the land. This exemplifies how music could be a way of interesting men in participating in these discussions and expressing their perceptions towards issues like relationships, fatherhood or their work. This could make the popular *Vallenato* music – described in Chapter 5 – not only a factor contributing to *machismo*, but perhaps also a space for its subversion.

Conclusion

In this chapter I have explained the gendered consequences of conflict, and described how unfortunately the 'gendered' reparations and restitution process as it is currently implemented is insufficient to contribute to transforming inequalities and patterns of discrimination, as its 'differential focus' pretends. This focus remains limited to doing something for women, who are either represented as vulnerable victims or as mothers and therefore peacemakers. A more nuanced understanding of women's position and potential, based on a more thorough analysis of gender relations, is needed to transform gendered inequality. Based on how women themselves imagine their future, reparations could indeed help to transform gendered inequality. This requires a reconceptualisation of reparations, towards a contribution to longer-term processes that can strengthen women's active citizenship. Building on the development and social services – including adult education – described in Chapter 7, which would provide preconditions

for exercising citizenship, I argue that gender-just transformative reparations should consist of two components. On the one hand, they should include specific measures to increase women's agency and autonomy through the provision of livelihood projects and specific training to increase women's leadership, organisational and lobby skills. This way, reparations could help women break through historic patterns of clientship and victimhood to become citizens in their own right. On the other hand, a focus on women should be complemented with work with men in order to transform the strong *machismo* in these communities into ways of being men that are more supportive for both men, women and their families. Training to strengthen citizenship skills could bridge these two lines of gendered reparation measures.

It should however be recognised that this is a long-term process. Reparations by themselves will not be capable of achieving these changes. They should therefore be an element in a wider process of gendered transformation, including education and other national-level measures such as communication campaigns. Yet if reparations are reconceptualised to contribute to longer-term goals that can break through historic patterns of gender inequality, they could have a stronger impact than the one-off compensation payments which are common practice in transitional justice. This however also requires a transformation of the Colombian State, as gender inequality cannot be transformed by a State that continues to be patriarchal, and maintains a protectionist gender discourse without attempting to transform structural gender inequality. Therefore, as long as the State is not committed to transforming structural gendered and other inequalities, expectations for gender-just transformative reparations should be modest.

Chapter 9. Conclusion

In this thesis, I have analysed the potential of transitional justice to contribute to the transformation of structural inequalities, particularly gendered inequality. I have done this through the qualitative analysis of survivors' experiences with Colombia's Victims' Law of land restitution and reparations, working with former IDPs in two rural communities in Colombia's Magdalena department. This analysis is important because of the growing acceptance of TJ as a standard response for dealing with transitions to democracy, and the mainstreaming of 'transformative' and 'gender-sensitive' approaches within the field. The dearth of empirical evidence of the impact of TJ on the consolidation of democracy, and on how it affects survivors' lives and the gendered dynamics in their communities makes an analysis of the potential of TJ to live up to its promise of transformation ever more acute.

My research has contributed empirical evidence of the impact of TJ. I have analysed survivors' lived experiences of TJ, identifying the gaps between its promises and the needs of survivors, while analysing the gendered impacts of TJ's 'victim' categories. I have also explored survivors', and particularly women's, understanding of gender inequality and their hopes and ideas for the future. This is important for the development of TJ, to improve its response to the needs and expectations of survivors. Throughout my thesis, I have critically engaged with gendered TJ theory, developing an original and new lens for looking at reparations by linking them with citizenship. With this new way approach I intend to push the boundaries of TJ theory, by arguing against its – gendered – victim-centred focus and for the blurring rather than separation of reparations and development. Reparations need to be reconceptualised, and should no longer be understood as rectificatory justice, only focusing on past wrongs, but as an element of redistributive justice and citizenship building, with specific gendered components to increase gender equality. I believe these steps are necessary to overcome the gap between TJ theory and practice and the tendency to focus on survivors as vulnerable victims, instead promoting the inclusion of survivors as equal citizens with active practices of citizenship. This can help the transformation envisaged by gender-just transformative reparations, an increasingly popular concept, become reality. I have come to these conclusions by taking survivors' needs and experiences as a starting point, through the use of participatory and creative research methods. These methods

enabled a more complex understanding of survivors' gendered experiences and needs of TJ, and provided an innovative way of undertaking research within the field.

It is important to remind the reader that although throughout this thesis I have outlined overlaps and links with the fields of development, peacebuilding and reconciliation, the main focus of my research is transitional justice. These related fields and concepts are broad, nebulous and ill-defined and would have required wider theoretical and conceptual discussions. This would have distracted from my main interest, which was defining the potential and limitations of TJ in transforming structural inequalities and survivors' lives. The popularity of the field of TJ within the international post-conflict reconstruction arena justifies my choice of paying full attention to TJ as an area in and of itself.

The epistemological and methodological lens of this research

This research is based on a feminist postmodernist approach to participatory research, using ethnographic and participatory visual research methods for data collection and a situational analysis approach to grounded theory for data analysis. Data was collected during nine months of fieldwork in the communities of La Pola and La Palizua in the municipality of Chibolo, located in the centre of Colombia's Magdalena department in the Caribbean coast. These are rural communities of small-scale cattle-farmers, whose members were displaced by paramilitary groups between 1997 and 2007. After returning to the land they embarked upon the process of land restitution and individual and collective reparations. Throughout my research I worked with 32 community participants from both communities, undertaking semi-structured interviews, Photovoice activities, and community focus groups, in addition to ethnographic observation. Furthermore, I had informal conversations with many more community members, and undertook Photovoice focus groups with the women's groups in both communities, comprising approximately 50 women. Finally, I undertook semi-structured interviews and correspondence with 15 TJ stakeholders – representatives of State institutions and civil society organisations involved in the process.

These methods have enabled me to better understand people's and particularly women's everyday experiences and needs in terms of TJ. Using a feminist lens allowed for an understanding of these everyday experiences as a reflection of wider gendered

and other structural inequalities, which are generally neglected by TJ with its focus on 'spectacular' experiences of direct violence. The transformation of these larger patterns of inequality is also closely related to the goals of participatory research, which takes participants' experiences as the basis for the construction of knowledge to promote social change. Combining a feminist and participatory approach to ethnographic and visual research methods therefore allowed for a much-needed critical analysis of gendered TJ. Moreover, it has enabled me to undertake research in what I would argue is a more sensitive and ethical way. The use of participatory visual research, uncommon in TJ research, offered different advantages. Firstly, the visual allowed for a greater attention to subjective experiences and everyday social and economic needs. Moreover, it provided a powerful way of transmitting these needs, thus enabling the participants to use the research for their own goals of social justice, making the visual a potential tool for social change. Finally, visual research allowed for a greater ownership of the research by the participants, which not only helped democratise the research process, but also avoided the participants' retraumatisation, especially important in conflict and post-conflict contexts.

Methodological implications: taking the methods forward

My research has shown that participatory visual and other creative research methods can provide an important way of undertaking TJ research, enabling the collection of a different type of data, while at the same time offering an ethical way of undertaking research which can be beneficial for participants. My experiences also provide lessons to further improve the use of these methods, in order to ameliorate the ethical dilemmas inherent in their use (described in Chapter 4). Like any other research method, undertaking participatory visual research in post-conflict or developing contexts risks reinforcing images or stereotypes of vulnerability, poverty and helplessness. This risk could be mitigated by strengthening the research's focus on survivors' hopes, dreams and ideals for the future, providing a more positive way of analysing survivors' needs rather than focusing on the problems experienced.

Changing the focus of the research however does not prevent that research can cause disillusionment among participants. Creating images which portray needs or hopes might raise expectations for change which can be difficult or take a long time to

achieve. In this regard, echoing Clark (2008), I believe it is important in any qualitative research project to pay attention to managing the participants' expectations about the short-term changes that research can achieve and about the role of the researcher in bringing about such change. Participatory research privileges the joint construction of knowledge and enables the participants to reflect upon the social changes they need. It is however not the researcher's role to guide the participants in taking the research results further, as this would be PAR. The taking of action based on the research results ultimately depends on the participants themselves. The researcher at best can give them some ideas about how to go about it. Having clarity about this allows the participants to modify their expectations accordingly.

More generally, undertaking participatory research can be challenging in a PhD project with limited time, human and financial resources. It could therefore be interesting to conduct post-PhD impact studies in order to analyse what the impact of participatory research is on the capacity for critical analysis and emancipation of the participants, and to analyse what, if anything, they have done on the basis of the research results. This can provide important insights into how best to design participatory research for PhD projects, which can help make these projects not only beneficial for the researcher, who receives her doctoral qualification, but also for the participants.

Critiquing the gap between TJ theory and practice: transitional or social justice?

In this thesis I have undertaken a critical gendered analysis of TJ, based on several key points of concern. These include the increasing popularity of a victim-centred approach to TJ. This victim-centredness tends to compel survivors to perform a specific sort of victimhood which stresses vulnerability and helplessness, and therefore risks maintaining inequality rather than establishing bonds of trust and equality among citizens and State. This critique is related to the call for a more transformative approach to TJ, which does not only address the symptoms of conflict – the civil and political rights violations – but also its root causes, often defined by structural inequalities. This requires the inclusion of aspects related to social and economic rights within TJ and calls for redistributive rather than retributive or rectificatory justice. The increasingly popular concept of transformative reparations is therefore a key arena to explore.

Although social and economic aspects are often prioritised by survivors of conflict, their experiences and needs are not always prioritised in TJ and TJ research. The above-mentioned critiques also apply to gender-sensitive TJ. 'Adding gender' to TJ is often translated into attention for women or a focus on sexual violence rather than in serious efforts to address and transform structural gendered inequalities. Research on 'gender-sensitive TJ' likewise has often prioritised the experience of survivors of sexual violence, failing to apply a deeper analysis of the gendered aspects of conflict and thus TJ. My research has brought these critiques together in analysing whether and how TJ can contribute to transform gender inequality, identifying the potential for gender-just transformative reparations.

Colombia offers an interesting case to study these questions, not only because its conflict is clearly rooted in structural inequalities, but also because it has been a pioneer in developing innovative TJ approaches, during an ongoing conflict. Colombia's 2011 Victims' Law aims to provide transformative reparations to a massive number of survivors, in their majority IDPs. The law addresses the issue of land, which is a key driver of economic and gendered inequalities. By including a 'transformative' and a 'differential focus', the law in theory has the potential to contribute to transforming structural gender inequality. Within the context of the Victims' Law, I have chosen to work with a limited group of people with a specific experience of the conflict and in a specific location. This was done on purpose, to allow for the elaboration of a thick description which offers more in-depth insights into people's lived experiences of TJ and their gendered everyday needs. This would not have been possible if the research had taken place in various locations or with a larger number of participants. As Geertz (1975) suggests, detailed and complex descriptions of the people and culture in a specific place can give insights into the 'large issues' at stake in society. Nevertheless, it goes without saying that these insights are necessarily restricted to a defined group of people with a similar experience. The larger issues identified in my research should therefore be compared with similar research projects in other geographical areas and with participants with diverse conflict experiences. Combined, these research projects can provide a more complex picture of how TJ could better respond to conflict survivors' needs and specific gendered dynamics.

Based especially on the data collected by ethnographic ‘hanging out’, I have described how the ‘victim-centred approach’ of the Victims’ Law took shape in Chibolo. In spite of its apparent promotion of survivors’ participation and ownership over the process, which in theory should reinforce their skills of participation as citizens, instead participation has been configured in a narrow way, prioritising State-prescribed forms of organisation and a set of legalistic processes in which to demand rights. These risk weakening and depoliticising authentic organisational processes which would enable stronger agency and citizenship. Moreover, the Law’s ‘victim-centeredness’ required survivors to adopt and perform a past-oriented victim identity, stressing passivity and dependence. This focus risks overshadowing survivors’ multiple identities and can hinder them from imagining and building a different future. I therefore argue for a shift in emphasis from a victim-centred to a citizenship focus, which reinforces survivors’ agency instead of positioning them as passive receivers of support. Strengthening survivors’ agency holds more potential for creating and improving the capacity needed to improve their own lives. Building on communities’ already existing strengths, for example in terms of local organisational processes or the particular history of radical citizenship displayed through land occupation in Chibolo, is more likely to enable survivors’ agency than the current imposition of new and little effective ways of participating and demanding rights.

Another factor preventing the Victims’ Law from transforming survivors’ lives is the mismatch between the reparation measures offered by the Victims’ Law and the needs and demands identified by the research participants. The priorities for the survivors I worked with in Chibolo were defined by the need for basic development and social services such as water, electricity, access roads, education and health care – which are currently notable in their absence. My research has demonstrated that unmet expectations about reparations can cause frustrations and disillusionment, which can further harm the fragile trust in the State which reparations are intended to restore. If reparations were able to better respond to people’s needs, which are defined by structural violence and inequalities, they could have a stronger and longer lasting impact than mere one-off compensation payments, while also giving survivors the sense that the State is finally taking them and their needs seriously. According to human rights-based TJ theory, development and social service measures are outside the scope of TJ,

since they are part of the State's general obligations to all citizens. Nevertheless, the failure to provide these services makes people feel they are being treated as second-class citizens without the basic preconditions to lead a dignified life. This jeopardizes the impact of reparations. Transformative reparations, in the form of the symbolic delivery of social and development services, can therefore be a solution to bridge reparations and development, as Uprimny Yepes (2009) and others have also argued. Rather than focusing on rectificatory justice, reparations should aim to contribute to social justice, by tangibly demonstrating that those receiving them will from now on be included as equal citizens. A compensation cheque or 'letter of dignification' is simply not enough to achieve this, as the participants in Chibolo clearly expressed. Delivering social and development services in a symbolic way would serve to recognise the harm done to a particular group of citizens, and the intention to end the situation of inequality that enabled this, providing the preconditions for an active practice of citizenship. Thus, reparations could play a role in transforming structural inequalities and preventing future human rights violations, connecting reparations to guarantees of non-repetition.

Reconceptualising gender-just transformative reparations

As demonstrated in this thesis, citizenship has gendered dynamics. Consequently, for transformative reparations to contribute to the transformation of structural gendered inequality, additional measures are needed to respond to specific gendered patterns of citizenship. Gender relations in Chibolo were defined by patriarchy, *machismo* and rurality. Gendered role divisions at first sight seemed rather rigid, limiting women's roles to motherhood and the household while men were designated as the key players in the social, political and economic organisation of the communities. These socially expected ways of performing masculinity and femininity can be oppressive for both men and women. For women in Chibolo they have resulted in a weak sense of agency and citizenship, which can moreover be explained by historic patterns of clientelism and dependency on the State. There were however also spaces for subversion within these relations, which could be strengthened through State-led programmes such as reparations.

Unfortunately, gender-sensitive reparations and restitution in Colombia have failed to effectively challenge gendered inequalities. They have not only neglected the

different forms of structural violence that women experienced before, during and after conflict, but also failed to capitalise on the significant changes in gender roles that occurred during conflict but did not persist beyond it. Instead, the Victims' Law currently risks reinforcing patriarchal notions of gendered role divisions in rural societies. The provision of basic social and development services would have particular gendered impacts, alleviating women's time-consuming household tasks and allowing them to engage more actively in economic and political activities outside of the household and exercise a more active form of citizenship. This change responds to the desire expressed by the participants to become more independent of their husbands and to stop being 'slaves of the household', reflecting a desire for the transformation of gender inequality. Through the Photovoice process, the participants identified various elements they believed could help them gain more independence. These included education, livelihood projects and organisation. The time spent working with the women's groups moreover suggested that political and organisational skills trainings were preconditions for women's organisational strengthening and active citizenship. Reparations could play an important role in this process by providing these specific measures to provide the preconditions for and increase women's awareness of and skills for citizenship. As women's changed roles and increased autonomy can lead to resistance by men, gendered work with men should also form part of this strategy. Citizenship skills training can be a means of bringing these parallel processes together.

Based upon this argument, I argue that reparations in their more traditional form – seen as an integral package but often resulting in rather limited monetary compensation – have only limited impact in transforming gender inequality. Instead, I suggest a different way of understanding and designing reparations, in order to increase their contribution to wider and longer-term transformations. This means that reparations should no longer be understood as a form of rectificatory or restorative justice, but instead as an element of redistributive justice and a tool in the process of – gendered – citizenship building. Reparations should combine the delivery of development and social services – a precondition for equal citizenship – with specific gendered measures for women to strengthen their citizenship skills, as well processes to address and transform masculinities. Raising awareness about citizenship can bring work with men

and women together and make them more aware of their own responsibility and potential to transform their future and the well-being of their families and communities.

Areas for future research

Throughout this research I have identified five aspects that I consider crucial for future research. First of all, as stated in the introduction, women's gendered experiences and needs for the future have been the main focus of this research. Men's gendered needs, however, also merit close attention, since although it is often assumed that men's opinions and needs dictate wider community goals, it is likely that men also have particular gendered experiences and needs. Their opinions with respect to *machismo* and the participation of women are important issues to critically explore.

The relationship between education and TJ is a second topic that would benefit from further analysis. Formal education curricula, as well as informal educational spaces, can provide important opportunities for peace education, gender education and education about citizenship rights and practice. Education is not included specifically in the Victims' Law, since it is related to the promotion of wider social change that is often considered to be beyond the scope of TJ. Education could, however, produce the attitudinal changes needed to contribute to preventing gender-based and other violence, while it could in turn increase women's self-esteem and autonomy. Wider educational strategies could link into the conception of reparations that I have outlined, and connect reparations to guarantees of non-repetition. The relationship between reparations, education and citizenship is therefore an important topic to take forward in subsequent study.

The intergenerational impacts of conflict and the way TJ addresses these is a third future research area that emerges. During my fieldwork, I noticed that young people were relatively excluded from the Victims' Law process, particularly from land restitution, since they did not own land and therefore could not receive land, productive projects or housing. As in other cases of internal displacement (Brun 2003), their parents were not able to give them land either, due to displacement and the resulting poverty. Combined with the lack of educational opportunities in the villages, this causes chains of poverty, demonstrating how young people are marked by displacement, even though some had not experienced it. Elderly people are a further group with a particular

experience of TJ, often characterised by feelings of despair and fear of dying before receiving their land titles or finding disappeared family members. More in-depth research is needed to better understand how the impacts of conflict differ across generations and how TJ might respond in a more nuanced manner to different inter- and cross-generational needs.

The relationship between TJ and religion is the fourth area for future research that is evident. It would be interesting to explore to what extent the increasingly strong influence of the evangelical church in Colombia, as in many Latin American countries (Martín-Baró 1994), influences the production of victim identities. During my research I was sometimes struck by how patterns of passive and depoliticised victim identities and historic clientship seemed to be reinforced by evangelical churches' ideology of praying and leaving control of things to a higher power. Participants' understandings of justice were also influenced by religion. To the best of my knowledge, the link between TJ and religion has only been touched upon in Colombia (Jiménez Ocampo et al. 2009).

Finally, as identified in Chapters 2 and 3, the concept of transformation on which transformative reparations are based continues to be vague. Although it is clear that the transformation of structural inequalities is a long-term process, it is unclear what this process looks like, who defines what it is and when it ends. Further research could clarify this through a more in-depth conceptual analysis of the term, in which I believe survivors' needs and understandings of transformation should be centre stage. Participatory research methods therefore continue to be crucial.

Conclusion

My research has demonstrated that TJ must overcome several obstacles before being able to contribute to the transformation of gendered and other structural inequalities. The main obstacles to this are its victim-centred focus and its historical attention towards direct rather than structural violence, which results in the rigid and artificial distinction between reparations and development. My findings have several implications for TJ policy, and can help it make a more significant change in survivors' lives. First of all, building on the argument that transitional justice's focus on victimhood risks reinforcing survivors' helplessness (Lacerda 2016, McEvoy and McConnachie 2013, De Waardt 2016), my research suggests that a focus on citizenship can be a way of

overcoming this. This change in perspective would enable the recognition of harm through violations of survivors' rights as citizens. At the same time, an emphasis on citizenship as a practice would strengthen the exercise of citizenship rights, which could help prevent human rights violations in the future. Citizenship therefore connects reparations and guarantees of non-repetition.

It is generally accepted that – socially constructed – memory is connected to questions of identity formation, belonging and citizenship (Kent 2016, Nordstrom 1997). Within TJ processes, historical memory can therefore play an important role in looking beyond victimhood and strengthening survivors' practice of citizenship, through identifying their multiple layers of identity and analysing how their past strategies for resistance and resilience can be applied in the future, as suggested by Martin Baró (1994). Historical memory can also identify and underline the positive changes that originated from the upheaval of normality caused by conflicts, such as the roles women acquired during displacement described in Chapter 8. This can help TJ to consolidate temporal conflict-related changes in gendered roles, preventing gender roles to revert back to normal, as commonly occurs. Historical memory must therefore broaden its approach, from a narrow focus on the criminal events of the past to the inclusion of wider social and cultural patterns. This is illustrative of how TJ, in order to live up to its transformative potential, should better connect past, present and future (Weber 2016a).

In order to guarantee survivors' exercise of active citizenship, TJ needs to connect to wider goals of social justice, including development measures which are thought to be outside the remit of TJ. This requires a different prioritisation of State resources, more oriented towards the basic development and social services that are part of citizens' rights. Consequently, TJ 'entrepreneurs' should loosen their rigid human rights-based understanding of a hierarchy between civil and political rights versus social and economic rights. The concept of structural violence is helpful to understand the connection between these violations, and can help diminish the gap between the theory and practice of TJ and human rights. In order to overcome the gap between an 'elite' of TJ entrepreneurs and the survivors they represent, the employment of more permanent intermediaries in the communities where TJ mechanisms are implemented should be considered. These intermediaries can 'translate' and negotiate between different worldviews, recognising people's own views of reparation and respecting their own

organisational and decision-making processes and timeframes. This can help reinforce authentic forms of exercising citizenship and demanding rights, which can make people more resilient and more independent from the State. TJ should therefore adopt genuinely participatory approaches which take survivors and their agency as a starting point.

Given the strongly patriarchal structure in Colombia and many other post-conflict contexts, specific measures are needed to promote and enable an active practice of citizenship for women, reducing the disadvantage that women commonly experience in exercising agency. This should be combined with a focus on masculinities, to help men understand the need for equality with women and among men on the basis of their shared citizenship, and to achieve the changes in gendered role divisions that are necessary to enable women's participation. This can help TJ to stop drawing on still common 'protective representations' of women, which uphold patriarchal notions of women as more vulnerable and in need of specific protection. In order to be effective at countering women's situation of inequality, TJ processes require a more rigorous analysis of gendered inequality, carried out by adequately trained personnel with an in-depth understanding of the gendered impacts of conflict and the structural gendered inequalities which produce these. These personnel should work throughout TJ institutions instead of in isolated teams, and implement a gender perspective throughout all processes rather than in isolated programmes and actions. Enabling women to exercise an active form of citizenship – through a range of social and development measures as described above, and through work with both men and women – stands a better chance of producing long-term transformations of gendered inequalities.

In spite of the increasing popularity of transformative and gender-just reparations as concepts, it should be underscored that reparations are only one element in the process of breaking through historic patterns of gendered and other inequalities. This process inevitably takes time. It might therefore be asked if we are not expecting too much of TJ and reparation. I contend that although it is important to have modest expectations about the impact of reparations in and of themselves, the ultimate goal of transformation must be kept in sight. After all, we could also turn the question on its head: why would we continue promoting TJ if it does not produce structural changes and instead, risks doing damage through hindering survivors' agency and undermining

their capacity to transform their own lives, and through raising unrealistic expectations about transformation? I argue that by shifting the focus of TJ and reconceptualising reparation measures to go beyond material assistance, they can contribute to longer-term and broader processes of citizenship building and promotion of gender inequality. This longer-term goal should be communicated effectively to the beneficiaries of TJ, to avoid the problems of expectation management described in Chapter 7. Since different conflicts affect people of different backgrounds by different crimes, reparation measures can vary between regions and conflicts. This variety of experiences requires a more flexible approach to reparations, to respond more directly to survivors' *particular* needs. Participatory approaches to TJ research therefore continue to be crucial for efforts to improve the way in which TJ responds to the expectations and needs of survivors.

For the Colombian State, this means that reparations must cease to be conceptualised as a 'gift' from a benevolent State to be passively received by victims who are portrayed as vulnerable, while doing little to transform survivors' situation of poverty and marginalisation. In their present form, TJ and transformative reparations are at risk of becoming a performance rather than an actual commitment to the improvement of survivors' lives and their inclusion as equal citizens. To enable reparations to have a reparatory effect, it is crucial that the State demonstrates its actual commitment to repairing bonds of trust with its citizens, putting in place the preconditions to exercise citizenship. Such a change requires it to take actions that go beyond the provision of compensation or a dignification letter, instead making its commitment clear through tangible measures of social and development services, with specifically tailored measures to counter gendered inequalities.

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Cuadernos de Desarrollo Rural 10 (72), 159–180

Appendix 1. Evidence of ethical approval



Certificate of Ethical Approval

Student:

Sanne Weber

Project Title:

Literature review for research project 'A gender analysis of community-level reconciliation through retributive, restorative and other forms of justice and reconciliation mechanisms'

This is to certify that the above named student has completed the Coventry University Ethical Approval process and their project has been confirmed and approved as Low Risk

Date of approval:

17 November 2014

Project Reference Number:

P29197



Certificate of Ethical Approval

Applicant:

Sanne Weber

Project Title:

Fieldwork in Colombia

This is to certify that the above named applicant has completed the Coventry University Ethical Approval process and their project has been confirmed and approved as Medium Risk

Date of approval:

05 July 2015

Project Reference Number:

P33442



Certificate of Ethical Approval

Applicant:

Sanne Weber

Project Title:

Fieldwork in Colombia: final visit to give back research results

This is to certify that the above named applicant has completed the Coventry University Ethical Approval process and their project has been confirmed and approved as Medium Risk

Date of approval:

11 August 2017

Project Reference Number:

P33442

Appendix 2. Participant information sheet

Participant information sheet

Who am I and why am I doing this research?

I am Sanne Weber, a Dutch student, based in the United Kingdom and studying for a higher level university qualification, funded by Coventry University. My Supervisor is Dr Michaelina Jakala (michaelina.jakala@coventry.ac.uk). I will be living in Colombia for 8 months to speak to people and learn more about reparations and land restitution.

What is the research about?

The aim of my research is to better understand how countries can build peace and prevent conflict starting again. Countries use different processes to achieve this, including truth, justice and reparations. Often not enough attention is paid to the different ways in which men and women experience conflict or to gender inequality before and after conflict. I am interested in seeing if reparations can help promote gender equality. I would like to understand what people –especially women– in Colombia think about reparations and land restitution. What would you like your lives, community and gender relations to look like? Can reparations or any other processes help to achieve this and if so, how?

What will the research look like?

The project will be designed by those who want to take part. This way, I hope it will be useful to you and your communities, as well as to me. There are different ways that we can work together. You can talk to me; we can have group discussions, take photos, draw, and record sounds. It is up to you to decide. Afterwards I will have to go back to the UK to write up everything for my examinations. Before I go I will share what I have learnt with you so you can tell me if I have understood you correctly.

What am I going to do with what you have told me?

This research is part of my PhD. It is not connected to any NGO or government. The project cannot offer any financial compensation. The results will be written down in a thesis that will be available online and an article. A shorter Spanish version will be shared with you, so that you can read it and let me know if I have understood what you have told me. You will be given copies of any photos taken or things you produced as part of this project so that you can use them however you wish.

Will I tell anyone what you have told me?

No! The information you give me is completely confidential. Everything you tell me will be anonymised. The information will be stored on a password-secured central server, and will not be accessible to anyone else. I am the only person who will listen to the interviews and will type them all up. All the information will be stored for seven years so that it can be used for future publications. It will then be destroyed. If you wish to have what you told me destroyed before this time just let me know.

What if you do not want to take part?

You do not have to. Participating is entirely voluntary. If at any point you decide that you no longer want to be involved, just tell me. You can then decide if you are happy for me to use the information you have already told me or not. You can withdraw what you have told me until January 2017.

Who can you contact if you wish to make a complaint?

Please contact Professor Mike Hardy, Executive Director of the Centre for Trust, Peace and Social Relations, Coventry University ab0974@coventry.ac.uk, Tel: +44 (0) 24 77655765.

Who can you contact with questions or to find out more?

My contact details are Sanne Weber: webers@coventry.ac.uk, Tel: +44 (0) 7731 359619.

If anything we talked about is emotionally distressing, please let me know and I can direct you to an organisation that will be able to assist you

Hoja de información para participantes

¿Quién soy y por qué estoy haciendo esta investigación?

Yo soy Sanne Weber, una estudiante holandesa. Vivo en Inglaterra y estoy estudiando para obtener un doctorado. Mi supervisora es Dra. Michaelina Jakala (michaelina.jakala@coventry.ac.uk). Estaré viviendo en Colombia durante ocho meses, hablando con las personas y aprendiendo más sobre el proceso de reparaciones y restitución de tierras.

¿De qué se trata la investigación?

El objetivo de mi investigación es entender mejor como los países pueden construir la paz y prevenir el reinicio de conflicto. Los países usan diferentes procesos para lograr esto, incluyendo la verdad, justicia y reparaciones. Muchas veces, no se presta suficiente atención a las diferentes maneras en que los hombres y mujeres viven el conflicto, o a la desigualdad de género antes y después de un conflicto. Me interesa analizar si las reparaciones pueden ayudar a promover la igualdad de género. Me gustaría entender qué es lo que la gente –especialmente las mujeres– en Colombia piensan de reparaciones y restitución de tierras. Cómo piensan que sus vidas, comunidades y relaciones de género deberían ser después del conflicto? Reparaciones u otras medidas podrían ayudar para lograr esto, y cómo?

¿Cómo será la investigación?

El proyecto de investigación será diseñado por las personas que quieran participar. Así, espero que sea útil para ustedes y sus comunidades, igual que para mí. Hay diferentes maneras que podemos colaborar. Podemos hablar, tener discusiones en grupo, tomar fotos, dibujar, o grabar sonidos. Ustedes deciden. Después, tendré que regresar a Inglaterra para escribirlo todo para mis exámenes. Pero antes de irme, compartiré todo lo que aprendí con ustedes, para que me digan si les entendí correctamente.

¿Qué haré con lo que ustedes me cuentan?

Esta investigación es parte de un doctorado. No está vinculado a ninguna ONG o gobierno. No puede ofrecer ninguna recompensa económica. Escribiré los resultados en una tesis que estará en internet, y en un artículo. Les daré una versión más corta en español, para que lo puedan leer y decirme si entendí bien lo que me contaron. También les daré copias de todas las fotos y otras cosas que produciremos como parte de este proyecto de investigación, para que las puedan usar como les sea más útil.

¿Contaré lo que ustedes me cuentan a alguien más?

No! La información que me dan es completamente confidencial. Todo lo que me cuentan será anonimizada. La información será guardada en un servidor central, protegido con clave. Nadie más tendrá acceso. Yo soy la única persona quien escuchará las entrevistas, y yo las transcribiré. Toda la información será guardada durante siete años, para que puede usarse para publicaciones futuras. Luego será destruida. Si desean que lo que me contaron se destruya antes de eso, nada más me avisan.

¿Qué pasa si no quieren participar?

No tienen que participar, participación es completamente voluntaria! Si en cualquier momento deciden que ya no quieren participar, nada más me cuentan. Luego deciden si me dan permiso para usar la información que ya me dieron o no. Es posible retirarse en cualquier momento, antes de enero 2017.

¿A quién pueden contactar si quieren poner una queja?

Favor de contactar al Profesor Mike Hardy, Director Ejecutivo del 'Centre for Trust, Peace and Social Relations', Universidad de Coventry: ab0974@coventry.ac.uk, Tel: +44 (0) 24 77655765.

¿A quién pueden contactar con preguntas o para conocer más sobre la investigación?

Mi información de contacto es Sanne Weber: webers@coventry.ac.uk, Tel: +44 (0) 7731 359619.

Si algo de lo que hablamos les causó problemas emocionales, por favor avísenme para que les pueda poner en contacto con una organización que les podría ayudar.



Appendix 3. Copyright consent forms

Photo, Sound and Image Consent Form

This form refers to photographs, sounds or drawings that I have produced whilst taking part in Sanne Weber's PhD research. It also refers to photographs of me that I allowed Sanne to take as part of her project.

- ☐ I have looked at the photographs and drawings and listened to the sounds and I believe that there is nothing in them that might cause me or anyone I know harm or embarrassment.
- ☐ I know that all photographs, sounds and drawings will be stored in a secure password protected file for 7 years and that after this time they will be destroyed
- ☐ I know that I can tell Sanne at any time up to January 2017 if I don't want some or all of my data used. I know that if I contact Sanne after this time it might be too late to withdraw it.
- ☐ I know that my photographs, sounds or drawings may be shared with Sanne's supervisors.
- ☐ I would like a copy of all the photographs, sounds or drawings that I have produced.
- ☐ I am happy for Sanne to use the photographs I took (in electronic or print form) in her PhD thesis.
- ☐ I am happy for Sanne to use the photographs I took (in electronic or print form) in public exhibitions and presentations.
- ☐ I am happy for Sanne to use the photographs I took (in electronic or print form) in publications.
- ☐ I know that if Sanne wishes to publish the images, sounds and drawings that I have consented to be published, she will try and contact me first. If she cannot contact me I am happy give Sanne the copyright so that she can use them. I know that I am still the legal owner and can withdraw my permission up to the point of publication.
- ☐ I would like my real name to be used with my photographs, drawings and sounds. I also know that Sanne will not use my real name if she feels I might be harmed by its use.
- ☐ I do not want my name used with the photographs, drawings or sounds. I would like Sanne to use an alias or 'pen name' instead. I would like to be known as:
- ☐ I know that if I have a complaint, I can contact Professor Mike Hardy, Executive Director of the Centre for Trust, Peace and Social Relations, Coventry University ab0974@coventry.ac.uk, Tel: +44 (0) 24 77655765.
- ☐ I know that I can contact Sanne at the Centre for Trust, Peace and Social Relations at Coventry University (webers@coventry.ac.uk), Tel: +44 (0) 7731 359619) at any time if I change my mind or have any concerns or difficulties.

Signed:

Date:

Contact details:



Formulario de Consentimiento para Foto, Sonido e Imagen

Este formulario se refiere a las fotos, sonidos o dibujos que he producido durante la participación en el estudio de doctorado de Sanne Weber, y a las fotos que he permitido que Sanne tome como parte de su proyecto.

- ☐ He visto las fotos y dibujos y escuchado los sonidos y creo que no hay nada en ellos que podría causar daño o vergüenza a mi o alguien que conozco.
- ☐ Sé que todas las fotos, sonidos y dibujos serán guardados en un archivo que está protegido con clave durante 7 años, y que serán destruidos después de ese tiempo.
- ☐ Sé que puedo avisarle a Sanne en cualquier momento hasta enero 2017 si no quiero que algunos o todos los datos sean usados. Sé que si contacto a Sanne después de ese momento, puede ser demasiado tarde para retirar los datos.
- ☐ Sé que mis fotos, sonidos o dibujos serán compartidos con las supervisoras de Sanne.
- ☐ Me gustaría tener una copia de todas las fotos, sonidos o dibujos que he producido.
- ☐ Estoy de acuerdo que Sanne use las fotos que tomé (en forma electrónica/impresa) en su tesis de doctorado.
- ☐ Estoy de acuerdo que Sanne use las fotos que tome (en forma electrónica/impresa) en exposiciones y presentaciones públicas.
- ☐ Estoy de acuerdo que Sanne use las fotos que tomé (en forma electrónica/impresa) en publicaciones.
- ☐ Sé que si Sanne desea publicar las imagines, sonidos o dibujos que he acordado puedan ser publicado, ella intentará contactarme antes. Si ella no logra contactarme, estoy de acuerdo con darle los derechos de autor a Sanne para que las pueda usar. Sé que sigo siendo el/la propietario/a legal y que puedo retirar mi permiso hasta el momento de publicación.
- ☐ Me gustaría usar mi propio nombre con mis fotos, dibujos y sonidos. Sé que Sanne no usará mi verdadero nombre si ella piensa que esto podría causarme daño.
- ☐ No quiero que se use mi verdadero nombre con las fotos, dibujos o sonidos. Me gustaría que Sanne use un 'alias'. Me gustaría ser conocido/a como:
- ☐ Sé que si tuviera una queja, puedo contactar al Profesor Mike Hardy, Director Ejecutivo del Centre for Trust, Peace and Social Relations, Coventry University ab0974@coventry.ac.uk, Tel: +44 (0) 24 77655765.
- ☐ Sé que puedo contactarle a Sanne en el Centre for Trust, Peace and Social Relations, Coventry University (webers@coventry.ac.uk, Tel: +44 (0) 7731 359619) en cualquier momento si cambiara de opinión o si tuviera dudas o dificultades.

Firmado:

Fecha:

Información de contacto:

Additional Image Consent Form

This form refers to the photographs I have produced whilst taking part in Sanne Weber's PhD research, which are included in the photo booklets that were produced collectively.

- ☐ I have looked at the photographs included in the photo booklets and I believe that there is nothing in them that might cause me or anyone I know harm or embarrassment.
- ☐ I know that Sanne will include the photo booklets as an appendix to her thesis.
- ☐ I know that Sanne's thesis will be both printed and published online.
- ☐ I know that some of the photographs that I took, which are included in the photo booklets, include an image of myself or of some of my friends or family members.

With respect to these images:

- ☐ I am happy for the photo booklets containing these photographs in their original form to be included both in the printed thesis and made accessible online.
- ☐ I am happy for these photographs in their original form to be included in the photo booklets, but I only want them to be included in the printed thesis, available for the examiners. I don't want the images to be made accessible online.
- ☐ I am happy for these photographs to be included in the photo booklets to be printed and made available online, as long as the faces of the persons in the images are blurred.
- ☐ I want these images to be removed from the photo booklets before they are included in the printed thesis or made available online.
- ☐ I know that if I have a complaint, I can contact Professor Mike Hardy, Executive Director of the Centre for Trust, Peace and Social Relations, Coventry University ab0974@coventry.ac.uk, Tel: +44 (0) 24 77655765.
- ☐ I know that I can contact Sanne at the Centre for Trust, Peace and Social Relations at Coventry University (webers@coventry.ac.uk , Tel: +44 (0) 7749 083747) at any time if I change my mind or have any concerns or difficulties.

Signed:

Date:

Contact details:

Formulario de Consentimiento Adicional para Fotos

Este formulario se refiere a las fotos que he producido durante la participación en el estudio de doctorado de Sanne Weber, las cuales han sido incluidas en los libros de fotos que producimos.

- ☐ He visto las fotos incluidas en los libros y creo que no hay nada en ellas que podría causar daño o vergüenza a mi o alguien que conozco.
- ☐ Sé que Sanne incluirá los libros de fotos en su tesis como un apéndice.
- ☐ Sé que la tesis de Sanne será impresa y leída por los examinadores y también publicada en línea y así hecha accesible para el público en general.
- ☐ Sé que algunas de las fotos que tomé, que han sido incluidas en los libros de fotos, incluyen imágenes de mi persona o de alguien de mis amigos o familiares.

Con respecto a estas imágenes:

- ☐ Estoy de acuerdo que los libros de fotos, incluyendo estas fotos en su forma original, formarán parte de la tesis tanto en su forma impresa como accesible en internet.
- ☐ Estoy de acuerdo que estas fotos en su forma original están incluidas en los libros de fotos, pero solo quiero que se incluyan en la tesis impresa, que está accesible solo para los examinadores. No quiero que se incluyan estas imágenes en la versión que se publica en internet.
- ☐ Estoy de acuerdo que se incluyan estas fotos en su forma original en los libros de fotos, mientras se borren los rostros de las personas que aparecen en las imágenes.
- ☐ Quiero que se eliminen estas fotos de los libros de fotos antes de incluirlos en la tesis impresa o publicada en internet.
- ☐ Sé que si tuviera alguna queja, puedo contactar al Profesor Mike Hardy, Director Ejecutivo del Centre for Trust, Peace and Social Relations, Coventry University (ab0974@coventry.ac.uk, Tel: +44 (0) 24 77655765).
- ☐ Sé que puedo contactar a Sanne en el Centre for Trust, Peace and Social Relations, Coventry University (webers@coventry.ac.uk, Tel: +44 (0) 7749 083747) en cualquier momento si cambiara de opinión o si tuviera dudas o dificultades.

Firma:

Fecha:

Información de contacto:

Appendix 4. Glossary of Spanish terms and list of acronyms

Glossary of Spanish terms

<i>Aguardiente</i>	Strong alcoholic drink, usually made of sugar cane
<i>Bandas criminales (Bacrim)</i>	New paramilitary groups, many of whose members are demobilised AUC members
<i>Campesino</i>	Farmer
<i>Caño</i>	Communal water well
<i>Cantina</i>	Bar
<i>Chevere</i>	Popular expression of approval, similar to ‘cool’
<i>Comadre</i>	The godmother of a woman’s child
<i>Comité de impulso</i>	Steering committee of the collective reparation process in each community
<i>Compradores</i>	Buyers
<i>Compradores de buena fe</i>	Buyers of good faith, who obtained the land legally and in agreement with the community
<i>Costeño</i>	From the Caribbean coast
<i>De buena fe</i>	Term which refers to the process of land acquisition taking place ‘in good faith’
<i>Derecho de petición</i>	Right/procedure to request information
<i>Desplazado</i>	Displaced – term for displaced people in Colombia
<i>Diagnóstico de daño</i>	Harms diagnosis
<i>Doña</i>	Mrs. – way to address a woman
<i>En la calle</i>	In the street, referring to the public sphere generally restricted for women
<i>Entrelazando</i>	Weaving together – VU programme to restore the social ties in the communities
<i>Escuela de Reparaciones</i>	Reparations school – VU outreach programme
<i>Finca</i>	Farm
<i>Gestores de memoria</i>	Managers of memory who lead the historical memory processes in each community
<i>Hacienda</i>	Large, generally agricultural estate
<i>Hembra</i>	Word which refers to a female animal, in <i>machista</i> parts of Colombia also used to refer to women
<i>La casa del balcón</i>	La Pola’s community centre that was rebuilt as a measure of satisfaction
<i>Lote</i>	Family-owned plot of land
<i>Lucha</i>	Struggle
<i>Luchadores</i>	Fighters
<i>Machismo</i>	Dominant form of hegemonic masculinity in Latin America
<i>Macho</i>	Word which refers to a male animal, in many parts of Latin America also used to refer to men
<i>Maricada</i>	Bullshit – although the word more literally means ‘something gay’
<i>Mestizo</i>	Mixed European and indigenous background
<i>Mujeriego</i>	Womaniser

<i>Paracos</i>	Term used colloquially for the paramilitary
<i>Parcela</i>	Plot of land on which the rural family live
<i>Predio</i>	Subdivision of the community, which can be compared to a neighbourhood
<i>Tejedores</i>	Weavers – group of individuals who lead the <i>Entrelazando</i> programme's in each community
<i>Telenovela</i>	Soap opera
<i>Tutela</i>	Procedure to demand the protection of fundamental constitutional rights
<i>Vallenato</i>	Music that is extremely popular in Colombia's Caribbean coast
<i>Vereda</i>	Small community, generally in rural areas
<i>Versiones libres</i>	Free versions or confessions made by the demobilised paramilitary in the Justice and Peace process

List of acronyms

ANUC	National Association of Peasant Users
AUC	United Self-Defence Forces of Colombia
CJYC	Corporación Jurídica Yira Castro
CODHES	Consultancy for Human Rights and Displacement (civil society organisation)
DPS	Department for Social Prosperity
ELN	National Liberation Army
EPL	People's Liberation Army
FARC	Revolutionary Armed Forces of Colombia
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP	Internally displaced person
INCODER	Colombian Institute for Rural Development
LGBT	Lesbian, gay, bisexual, transgender
LRU	Land Restitution Unit
NCHM	National Centre for Historical Memory
SNARIV	National System for the Integral Attention and Reparation of Victims
PAARI	Plan for Integral Service, Assistance and Reparation
PAIPI	Programme for Integral Attention for Early Childhood.
PAR	Participatory Action Research
UP	Popular Unity
TJ	Transitional justice
TRDP	Territorial Rural Development Plan
UN	United Nations
VU	Victims' Unit

Appendix 5. Annotated map of Colombia



Map of Colombia, with Magdalena department coloured yellow on top of map.



Map of Magdalena department, with Chibolo coloured mint green in centre.



Map adapted by researcher (Source: <https://www.google.com/maps>)

Distances:

Chibolo – La Pola: approximately 13 km.

La Pola – La Palizua: approximately 10 km.

Social groups in the communities

<i>Los luchadores</i> (the fighters)	Group of people who occupied the land in the communities in the 1980s as part of a peasant land occupation campaign, and have fought for the control over this land ever since. There are approximately only 20 <i>luchadores</i> left in each community, since most have not come back after displacement, or have sold their land.
<i>Los compradores</i> (the buyers)	Second group of people coming to the communities, after buying plots of land in the 1990s. This group was displaced together with the <i>luchadores</i> .
<i>Los compradores de buena fe</i> (buyers of good faith)	Group of people who bought the land legally and in agreement with the community after the communities returned from displacement. Many <i>compradores de buena fe</i> were displaced themselves from elsewhere. They are a large minority, who are not that well integrated in the communities, especially in La Pola.

Participatory/organisational spaces in the communities

<i>Comité de impulso</i> (steering committee)	Steering group to assist the implementation of the collective reparation plan in each community, consisting of approximately twenty members who are the main points of contact for the Victims' Unit.
Group of <i>tejedores</i> (weavers)	Group in each community which is the focal point for the VU-led programme <i>Entrelazando</i> (Weaving together) which aims to rebuild the social ties in the communities. The <i>tejedores</i> attend trainings and are supposed to recreate bonds of trust with their community members.
Group of <i>gestores de memoria</i> (managers of memory)	Group which is the focal point for the work of the National Centre for Historical Memory, attending trainings and collecting historical documents within the communities to recreate the archives.
Association of Displaced Farmers of La Pola	Association created by the farmers in La Pola prior to the start of the Victims' Law process, of which most community members – overwhelmingly male – used to be members.
Women's committees in La Pola and La Palizua	Women's groups that have started to reorganise again in 2016 in order to apply for and implement projects and play a larger role in their community.

Appendix 6. Participants and spaces map

Formal participation (interviews and Photovoice activities)

State, NGOs, etc.

Institution/organisation	State/NGO	Name	Function	Comments
Land Restitution Unit Magdalena	State	Claudia González	'Link to wider Reparation System'	This person is responsible for the coordination between the different institutions involved in the implementation of the land restitution sentences in the Magdalena Department.
Land Restitution Unit Bogotá	State	Raquel Victorino	Coordinator of Social Unit	This person is the head of the Department that is responsible for implementing the differential focus within the land restitution process.
Anonymous	State	Anonymous	Researcher	This person works on historical memory in the framework of collective reparations.
Victims' Unit	State	Iris Marin Ortiz	Director of Reparations Department	At the time of my fieldwork, this person led the department within the Victims' Unit which is responsible for collective and individual reparations.
Victims' Unit	State	Lina Camargo	Coordinator of Women and Gender Group	This programme within the Victims' Unit is responsible for introducing a gender focus in individual and collective reparations.
Corporación Humanas	NGO	Adriana Benjumea	Director	NGO of women lawyers with strong work on TJ including reparations. They work with a specific focus on sexual violence.
ANUC UR	NGO	Edilia Mendoza	Representative	This national-level peasants' organisation had a strong political role in Colombia (and Chibolo) before being decimated during conflict. The organisation as such is now subject of collective reparations.
UN Women	IGO	Margarita Muñoz	Support Official	UN Women accompanies the State institutions involved in the land restitution and reparations process to strengthen their gender perspective.
Colombian Commission of Jurists	NGO	Gustavo Gallón and Alix Torres	Director and Social Worker	CCJ has a cooperation agreement with the Land Restitution Unit for the investigation and litigation of land restitution cases. CCJ is one of Colombia's most respected human rights organisations.
-	Both	Anonymous	Consultant	Ex-employee of the Land Restitution Unit, who

				accompanied the start of the land restitution in Chibolo, and knows the communities very well.
-	NGO	German Romero	Human Rights Lawyer	Ex-employee of Corporación Jurídica Yira Castro, accompanied the start of the land restitution Chibolo, knows the communities very well.
Dejusticia	NGO	Laura Gutiérrez	Researcher TJ team	Well-known legal research organisation with a strong focus on TJ processes, also influential in public opinion making.
Presidential Advisory Committee for Gender Equity	State	Claudia Nayibe Rozo Uribe	-	Information in response to my questions was sent by email. This institution provides technical support to the institutions involved in the land restitution and reparation process.
Civil circuit law court with specialization in land restitution	State	Anonymous	Land Restitution Judge	These civil courts are specialised in hearing cases of land restitution.
Sisma Mujer	NGO	Anonymous and Viviana Rodríguez	Consultant and Coordinator of 'Mobility' Area	One of Colombia's key women's organisations, which undertakes lobby work with respect to land restitution and reparation process.

*Community participants*⁴³

La Pola						
Name	Age (group)	Gender	Family status	Social Status ⁴⁴	Comments	Type of participation
Patricia	45-55	Female	Married, 5 children (2 still living in the household)	Relatively poor	Only came to La Pola two years ago to reclaim her father's land, although she lived in La Pola when she was young. She was displaced elsewhere in Colombia and one of her brothers was disappeared. Member of reparation committee but wants to resign.	Interview and Photovoice focus group
Claudia	55-65	Female	Married, 5 grownup children,	Average	One of the <i>luchadores</i> , used to be active in women's committee pre-displacement, now feels excluded from the	Interview

⁴³ All names are fictionalised in order to protect the anonymity of the participants. Although some women have chosen to display their real names with their Photovoice images, in this map their names are fictionalised in order to protect the anonymity of the other community participants.

⁴⁴ It is hard to define participants' social status, as I did not undertake surveys and have no exact idea of their precise income. The indication given is based on elements such as whether participants had a decent house, owned cattle of their own versus only having cattle *al partir*, etc.

			grandchildren		community by its leaders.	
Pedro	45-55	Male	Divorced, children don't live with him	Average	Member of board of farmers' association and committees related to reparations. Son of displaced person, but not involved in land restitution himself, since land was on father's name.	Interview and community focus group
Felipe	>65	Male	Married, grownup children and grandchildren	Average	One of the <i>luchadores</i> , has received his land title already, member of reparation and historical memory committee.	Interview
Pablo	80	Male	Together with third wife, 11 grownup children with two other women	Average	One of the <i>luchadores</i> . Is now getting desperate because he hasn't received reparation. Continues working despite his age, and therefore lost his eye in an accident. Used to be a real womanizer.	Interview
Carolina	50-55	Female	Widow, 7 grownup children	Average	She is a member of the <i>comité de impulso</i> but not very active in the reparations process.	Interview
Celia	37	Female	Married, 5 young children	Poor	Came to La Pola after she and her husband were displaced elsewhere. They don't own land and live in a borrowed house.	Photovoice interview and Photovoice focus group
Cecilia	31	Female	Partner, 3 young children	Poor	Was born in La Pola but only came back one year ago. She and her partner don't own land and live in her mother's house.	Photovoice interview
Inés	29	Female	Single, 1 young child	Wealthy for village standards	Youngest child of García family (wealthy and influential family in the community), active in the farmers' association and the newly found cooperative.	Photovoice interview and Photovoice focus group
Carola	51	Female	Married, grownup children and grandchildren	Average	Female leader and one of the only women who are members of the farmers' association. Active in reparation process, often invited to travel to Bogotá for workshops etc.	Photovoice interview, Photovoice and community focus group
Elisabeth	45-55	Female	Married, 11 small and grownup children	Below average	Active woman who never misses any meeting of the women's group or about the reparation process. Has children with several men. Sister of Juana.	Photovoice interview and Photovoice focus group
Dina	51	Female	Married to second husband, four	Below average	Not originally from La Pola. Her husband bought the land four years ago, they are now trying to make a living here.	Photovoice interview

			grownup children, one son died		Her son died two years ago as a result of chikungunya.	
Jenifer	21	Female	Married, 2 young daughters	Below average	Originally from El Difícil, came to La Pola because of her husband. Struggles to raise two small daughters in poverty, since the family doesn't own land.	Photovoice interview and Photovoice focus group
Clara	>60	Female	Widow, 13 grownup children	Below average	Diego's mother. Has received her land title and in the process of receiving a house. Is a member in the farmers' association, used to be active in the pre-displacement women's committees.	Photovoice interview and Photovoice focus group
Luz	45-55	Female	Married, five children	Below average	Married to Diego. Member of the <i>comité de impulso</i> and the <i>Entrelazando</i> process, although participating is sometimes difficult as Diego travels a lot.	Photovoice interview
Roberto	55-65	Male	Married, two grownup children	Above average	Former community leader, knows much about the history and still tries to maintain control (is still legal representative of the farmer's association). Most state institutions and NGOs are in touch with him.	Community focus group
Alejandro	45-55	Male	Married, one adolescent daughter	Above average	Bought his land before displacement. Forms part of the group of leaders related to Roberto and Juan, was involved in the organisation of the community party.	Community focus group
Laura	45-55	Female	Married, three adolescent children	Below average	Laura doesn't participate much in organisational processes, although she attends the women's meetings. She is one of the women who always cook during community meetings.	Community and Photovoice Focus group
Diego	45-55	Male	Married, five children	Below average	President of the farmers' association and leader of the reparation and restitution process. Travels a lot because of these processes, making it hard to work on his land and causing family problems. There are some divisions between Diego and the former group of community leaders around Roberto and Juan.	Community focus group
Maria	>60	Female	Together with second partner, grownup children	Below average	Mother of female community leader Carola. Is depressed because her youngest son died last year. Although it seemed suicide, she is convinced he was killed, but the police does not investigate.	Photovoice interview and Photovoice focus group.
La Palizua						
Name	Age	Gender	Family status	Social Status	Comments	Type of interview

Josefa	45-55	Female	Married, raises a niece but no children of their own	Average	One of the original community leaders, has played a key role in the return to the land and is also a women's and 'restitution leader'. Feels excluded by male leaders.	Photovoice interview and Photovoice focus groups
Irene	48	Female	Partner, 5 grownup children with ex husband	Average	Member of the reparations committee but not very actively involved in or well aware of the process. Is Josefa's sister in law.	Photovoice interview, Photovoice and community focus groups
Marta	75	Female	Widow, grownup children	Average	Used to be active in the women's committee before displacement. One of her sons was disappeared by the paramilitary, two sons are mentally/physically disabled	Photovoice activity (took videos) and focus groups, 'normal' interview,
Ligia	45-55	Female	Partner, grownup children with ex husband	Average	Together with a partner who was displaced elsewhere. She owns the land, but has still not received the title.	Photovoice interview and Photovoice focus groups
Julia	32	Female	Married, 3 young children	Average	Julia's husband is one of the community leaders, but he isn't very committed to his family, to her frustration.	Photovoice interview, Photovoice and community focus groups
Ana	60	Female	Married, grownup children and grandchildren	Below average	Ana and her husband have received their land title and productive project. Her husband is one of the <i>luchadores</i> of Palizua.	Photovoice interview and focus group
Mauro	75	Male	Divorced, six grownup children, grand children	Below average	Mauro lives with his son Tomas and his family, since he himself has health problems and is too old to work the land and fight for its formal restitution.	Interview
Luisa	36	Female	Married, 5 adolescent children	Below average	Daughter of Ana, was displaced from Palizua and lives now in a village close by with her family. Have very little land and are therefore quite poor.	Photovoice interview and Photovoice focus groups
María José	53	Female	Married, 4 children	Above average	Not originally from Palizua, although they suffered paramilitary control elsewhere. She makes some extra money with selling products, but is busy with her large household and taking care of the workers of her	Photovoice interview and Photovoice focus groups

					husband's business.	
German	68	Male	Married, 11 children	Below average	His wife didn't want to come back to Palizua so he feels very lonely, and because of his health he can't work that hard anymore.	Interview
Eloisa	45-55	Female	Married, grownup children from previous marriage	Average	Member of the reparation committee. Has returned to Palizua to replace her deceased father in the land restitution process, and has received her land title. Has serious problems with her husband, involving violence and threats of divorce.	Interview
Tomas	35-45	Male	Married, raising his wife's small children	Below average	One of the community leaders, travels often for trainings but is becoming quite desperate with the lack of results of the process. Lives and works on his father Mauro's land.	Community focus group

Informal participation (visits and chats)

La Pola						
Name	Age (group)	Gender	Family status	Social Status	Comments	
Paola	18-25	Female	Married, pregnant of first child	Relatively poor	Daughter of Patricia. She is active in the association and in the reparation process, but wants to resign of all this after community members have started gossiping about her and a supposed relationship between her and the community leader.	
Edilia	45-55	Female	Partner, grownup children, grandchildren with ex husband	Average	Displaced from La Pola but only came back about two years ago. She doesn't own land, her husband works as a day labourer. She has received reparation but seems to have received only half of it. She is not much involved in organisational processes. Participated in the Photovoice focus group. Edilia is Cecilia's sister.	
Francisco	45-55	Male	Married, three adolescent children	Below average	Married to Laura. Member of the community association.	
Omar	55-65	Male	Married, grownup children and grandchildren	Average	One of the <i>luchadores</i> , used to be one of the community leader but feels excluded by the current leadership. There have been conflicts with the community over the use of a community well that is on Omar's land.	
Lucía	45-55	Female	Married, two grownup children	Above average	Wife of former community leader Roberto, much loved by most community members although many people resent the García family's influence. Participates in the <i>Entrelazando</i> group of <i>tejedores</i> and the women's group. Participated in the Photovoice focus group.	

Leticia	45-55	Female	Married, one son	Average	Makes some extra money selling fried food to people attending the <i>cantinas</i> in the weekends. Participated in the Photovoice focus group.
Juana	33	Female	Married, two adolescent children	Above Average	Married to Juan, notorious womanizer. Juana's father was killed by the paramilitary, for which the family never received reparation. Juana used to be secretary of the farmer's association but now prefers to stay far away from any organisations, since she prefers to stay at home. Participated in the Photovoice focus group.
Juan	45	Male	Married, two adolescent children with Juana, one 20 year old with a former girlfriend	Above average	Member of the influential García family, loved for his generosity but also criticised for his influence. People envy him for his wealth. Has a bit of an alcohol problem and is known to be a womaniser. He isn't included in the restitution process for not owning land when displaced, and he therefore always stresses he never received any help from the state.
Alicia	>65	Female	Partner, children with former partner	Average	Partner of Pablo. One of her sons was disappeared by the guerrilla, but she doesn't want reparation for this. She has health problems and often doesn't have enough money to buy medicines.
Jackeline	21	Female	Single	Below average	Daughter of Laura and Francisco. Active in the community, has a paid post taking care of the computer and printer received in a project. She makes and sometimes sells handicrafts. She studied to work with young children and would like to continue studying, but this is impossible for lack of resources.
Alfonso	45-55	Male	Married, grownup children and grandchildren	Average	Married to Carola. Received their land title already. The first 'restitution' house was built on their land, which came to be notorious for being badly built, and therefore the centre of the housing scandal.
Martin	>65	Male	Married, grownup children and grandchildren	Average	One of the <i>luchadores</i> , has received his land title, productive project and house.
Raul	35-45	Male	Married, five young children	Below average	Has received his land title and productive project, but somehow the house is not being built yet. Owns a motor bike and is one of the 'mototaxistas' of the village
Dora	45-55	Female	Married, adolescent and grownup children, grandchildren	Below average	Member of the group of <i>Entrelazando</i> weavers, active in the women's group, one of the first people to come to live in La Pola in the 1980s. Participated in the Photovoice focus group.
Reyna	>65	Female	Widow, 13 grownup children	Average	Mother of Juana and Elisabeth. Her husband was killed by the paramilitary. Some years ago her son was involved in a shootout and paralysed. She doesn't participate much in reparation related meetings, but is proud to make her land progress and participates in the farmer's association.

Carmen	>60	Female	Widow, grownup children, raises her grandchildren	Average	Carmen used to be active in the women's committee but is no longer much involved in community and women's organisation, having become disillusioned by women's passivity and busy raising her grandchildren.
Daniela	45-55	Female	Married, grownup children and grandchildren	Average	Wasn't born and raised in this region but grew up in Santa Marta and Bogotá. She therefore still struggles with life in La Pola. She is a member of the <i>Entrelazando</i> programme and quite active in the community. Participated in Photovoice focus group.
Antonio	45-55	Male	Married, grownup children and grandchildren	Average	Married to Daniela. Bought land in La Pola after having been displaced elsewhere. He is not well looked upon in the village for being conflictive in meetings, and people say he has had links with the paramilitary. He started an unsuccessful parallel farmers' organisation in the community.
Lourdes	35-45	Female	Married, three young daughters	Average	Sister in law of one of the community leaders. Started participating in parallel community organisation, to the surprise of some family members. Participated in Photovoice focus group.
Miguel	35-45	Male	Married, three young daughters	Average	Brother of one of the community leaders. Often criticised for not looking well after his family. Started participating in parallel community organisation, to the surprise of some family members. Married to Lourdes.
Jorge	21	Male	Married	Average	Young member of the community association, being prepared to be one of the new leaders. His father was disappeared during the conflict. Cousin of Francisco.
Paula	24	Female	Partner, two children of previous marriage, pregnant of new partner	Average	Only came to La Pola one year ago, after having lived in Venezuela for years. Has a hard time adapting to living conditions in La Pola and has problems with her new partner who is extremely jealous and has hit her once already.
Sara	19	Female	Married	Average	Came to La Pola recently to get married to Jorge, but is originally from Bolívar. She is a teacher and would like to continue studying, but this is challenging in La Pola.
Elena	45-55	Female	Married, one adolescent daughter	Above average	Married to Alejandro. Not very active in the community, according to herself she is hardly able to leave the house. Participated in Photovoice focus group.
Marina	30-35	Female	Married, four young children	Average	Very shy and quiet woman, who nevertheless attended all women's meetings. Participated in Photovoice focus group.
Vicente	35-45	Male	Married, two grownup children of previous marriage	Above average	Member of the influential García family. Not much involved in community activities nor in the restitution/reparation process.
Carlota	40	Female	Married, adolescent son of previous	Above average	Married to Vicente, not well integrated in community, feels quite isolated although she is proud of what she and Vicente have established.

			marriage		
Anita	30-40	Female	Married, young children	Average	Member of <i>Comité de impulso</i> , quite active in community association.
Cesar	30-35	Male	Married, young children	Average	Treasurer of the association and relatively active in the reparations process. His wife is member of the board of the newly found women's committee.
La Palizua					
Name	Age	Gender	Family status	Social Status	Comments
Angela	45-55	Female	Married, grownup children and grandchildren	Average	Participates in the women's group. She and her husband don't own land since they used to have a shop and <i>cantina</i> when they were displaced, but had no land to return to. Participated in Photovoice focus groups.
Oscar	45-55	Male	Married, grownup children and grandchildren	Average	Husband of Angela. Became disabled after having several accidents during displacement. Haven't received reparation yet.
Elsa	28	Female	Married to Tomas, young children of a previous marriage	Average	Used to suffer domestic violence before leaving her husband and getting together with Tomas. Hasn't been able to finish her primary school for looking after her ill mother, who now lives with them. Participated in Photovoice focus groups.
Rafael	35-45	Male	Married, 2 young children	Average	One of the community leaders, involved in the restitution and reparation process. Has received his land title, productive project and house as part of the restitution process.
Jimena	35-45	Female	Married, 2 young children	Average	Rafael's wife. Works as a teacher in the community (one of the only women with a paid job). Not much involved in the women's group, since she considers it a waste of time as long as there are no productive projects to work on.
Guillermo	35-45	Male	Single	Average	One of the community leaders, involved in the restitution and reparation process. People speculate about his being homosexual, for being 'different' and not having a partner.
Mario	45-55	Male	Married, no children but raising a cousin	Average	Married to Josefa (community leader), but not very active in community activities or the reparation process. Has alcohol problems and sometimes disappears for days, drinking. Brother of Irene.
Agustin	55-65	Male	Married, grownup children	Above average	Has bought his land after the displacement. He and his wife María José are not originally from Palizua. They run a quite well-working business.
Cristian	55-65	Male	Married, grownup children	Average	Married to Lucía, displaced from a nearby village and only came to live in Palizua when he married Ligia.
Valentina	45-55	Female	Married, young and grownup children	Below average	Josefa's sister, who is much less active in the community. It is difficult for her to leave the house, for taking care of her elderly parents. She is very religious (evangelical).

Emma	35-45	Female	Married, young children	Below Average	Makes some extra money selling ice cubes, has some problems with her husband who drinks too much. Participated in Photovoice focus groups.
Sofía	45-55	Female	Married, grownup children	Average	Active woman, followed some courses by the SENA in Chibolo in the weekends. Participated in Photovoice focus groups. Cousin of María José.
Olivia	>60	Female	Married, grownup children	Average	Evangelical woman. Grownup children live in other cities, such as Santa Marta. Participated in Photovoice focus groups.
Sebastian	35-45	Male	Married, three children	Average	Julia's husband. One of the community leaders, but not much involved in meetings. He is not a very committed husband and is usually away during the day.

Spaces attended (meetings etc.)

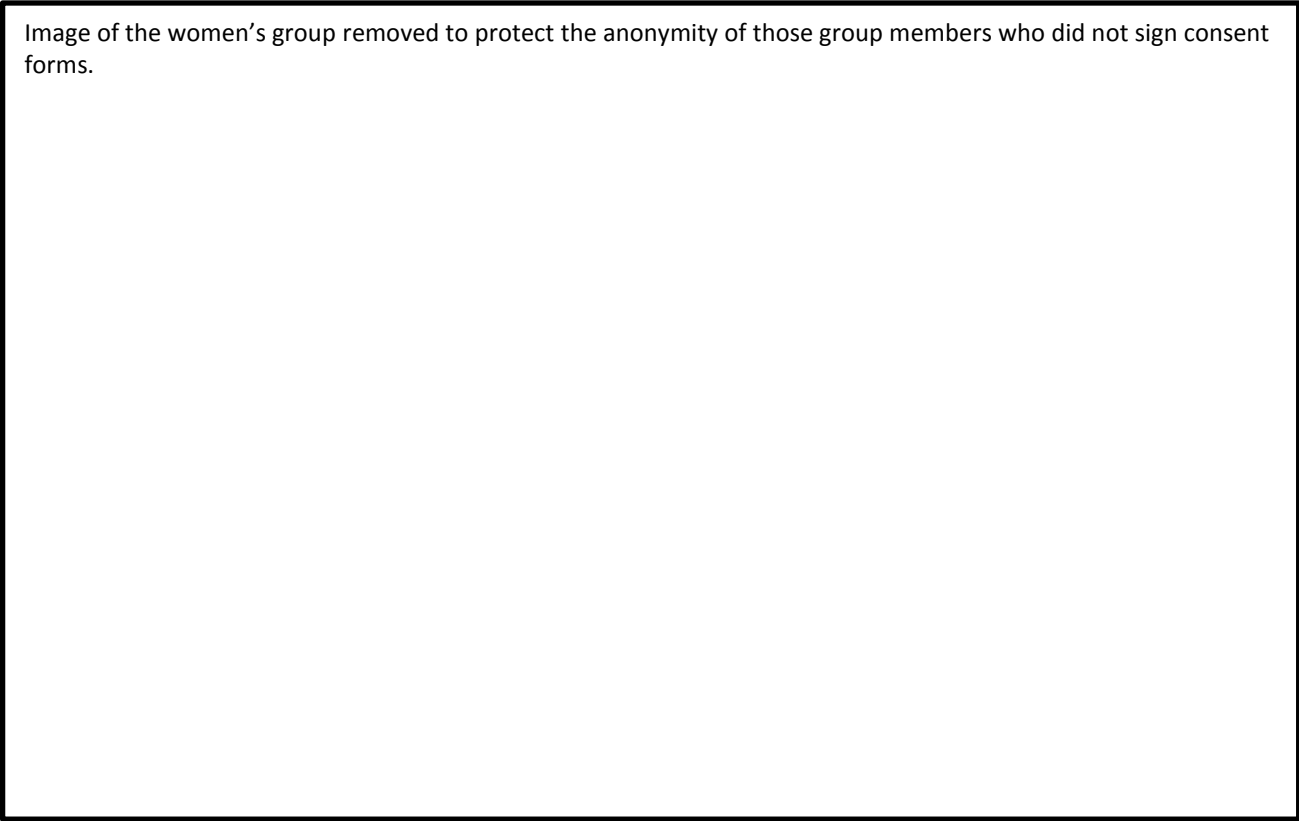
Type of meeting	Space of meeting	Purpose	Meeting convened by	Participants
Informal visits	Family's houses	Chatting about things related to peoples' lives and the restitution and reparation process, building rapport, etc.	Researcher	Members of the community (both men and women)
Meetings of Farmers Association La Pola	La casa del Balcón (community centre La Pola)	Discussing things relevant to the association and community, sharing information about the reparation and restitution process	President of the Association (Diego)	Members of the Association, mostly men, between 20-60 people
Meetings with community leaders in Palizua	In the houses of several leaders	Discussing lobby activities, sharing information about restitution and reparation process	Community leaders	Mostly men, except for Josefa who is only sometimes invited.
Meetings with communities and Corporación Jurídica Yira Castro	Casa del Balcón, La Pola	Sharing information about legal progress of restitution cases	Corporación Jurídica Yira Castro	Sometimes people from both communities, sometimes separate
Hearing about building of houses (part of restitution) by judge and prosecutor	Casa del Balcón, La Pola	Hearing information about the problems with the houses that are being built, demanding compliance of restitution measures	Land Restitution Judge (after pressure by UN and Land Restitution Unit)	People from La Pola, Land Restitution Judge, Prosecutor, UN, MAPP-OEA, Land Restitution Unit, Corvides (company building the houses), Banco Agrario, Corporación Jurídica Yira Castro
Meeting with UN and 'Organizaciones Solidarias' (State Institution) in La Pola	Casa del Balcón, La Pola	Discussing the possibility of forming a cooperative to sell milk among several communities of displaced people	UN	Mostly people from La Pola and la Palizua, including some people from other

				communities
Focus group and community meeting with NCHM	Casa del Balcón, La Pola	Focus group about the role of the ‘new buyers’ in the community and community meeting to share the progress of the historical memory process	NCHM	Community members of La Pola
Meetings with Victims’ Unit	Casa del Balcón, La Pola	Meetings to inform the people about the reparation process as such and their collective reparation process in particular	VU	Community members of La Pola and La Palizua, particularly members of the <i>comité de impulso</i> , mostly men
Meeting with the UN in Palizua	School in Palizua	Meeting to prepare an exchange with other communities about the collective reparation process	UN	Several members of the <i>comité de impulso</i> , all of them men except Josefa
Annual community celebration	Open field in La Pola	Annual big party to celebrate St. Martin, including dancing and music, procession, baptism.	Organising committee of community members	A large part of the community of La Pola, several people (including community leaders) of La Palizua
Women’s group meetings in la Palizua	School in Palizua	Meetings to carry out Photovoice group work and help women to organise	Researcher in coordination with Josefa	Between 12-30 women
Women’s group meetings in La Pola	Casa del Balcón, La Pola	Meetings to carry out Photovoice group, work help to women organise and prepare lobby activities	Researcher in coordination with female leaders	Between 20-30 women
Women’s meetings in La Pola and La Palizua with ANUC UR	Casa del Balcón La Pola and school in Palizua	Meetings to help women organise, be more conscious about their rights as rural women and share information about research	ANUC UR (national peasants organisation)	Between 20-40 women of both communities
Exchange about collective reparation process	Hotel in Cartagena	Exchange to share information about the progress and obstacles in collective reparation processes in ten communities in Colombia	UN	About 40 people from 10 communities (incl. 8 people from Pola and Palizua) accompanied by UN, ICTJ, CODHES, CJYC

Mujeres comprometidas con nuestra comunidad

Este es el libro de las mujeres, en el cual mostramos las necesidades de la comunidad y hacemos nuestras exigencias para obtener un mejor futuro.

Image of the women's group removed to protect the anonymity of those group members who did not sign consent forms.



Palizua, Chibolo Magdalena
Abril 2016

⁴⁵ Some of the images have been eliminated or adjusted in order to protect the anonymity of individuals (including children) appearing in them who did not give consent.

Necesitamos la luz

La luz trae muchos beneficios para las mujeres, porque con ella podemos tener una lavadora, un abanico, una nevera o un televisor, para informarnos sobre qué está pasando en el mundo.

Para nosotras es importante trabajar con empeño para nuestro beneficio.

Nosotros tenemos muchas necesidades. Por ejemplo no tenemos luz eléctrica. Por esto estamos a oscuras. Necesitamos gas para no cocinar en leña. Estos son los

padecimientos que todos tenemos acá.

Por acá estamos con el peligro de culebras y otros animales ponzoñosos por la oscuridad en nuestras viviendas.



Animales: beneficio nuestro



Las gallinas son importantes para las mujeres porque nos alimentamos con ellas con el huevo y nos dan reproducción. Uno las puede vender para el beneficio de nosotras.



Los cochinos son importantes para nosotros, para trabajar y seguir adelante. Les damos suero, maíz y afrecho. Queremos lo mejor para nuestro futuro.

El problema es la luz y el agua. Estamos pasando muchas necesidades para poder sostener los animales.



Queremos mejorar nuestra calidad de vida



En esta foto vemos una casita deteriorada y un burrito flaco, y sobre todo la pobreza

por culpa del verano. Es importante que cada una de nosotras tome el interés de reunirnos, para cambiar esta situación.

Creemos que nos merecemos un mejor futuro. Para eso, tenemos que trabajar en conjunto y sacar el tiempo.



Tenemos este baño. Como pueden ver, no es apto para nuestro uso.

Miremos el estado de esta vivienda. Queremos que el estado llegue y nos solucione esta problemática con proyectos de vivienda, para que sea digna para habitar con nuestra familia.



Image removed to protect anonymity.

Esta cocina debe cambiar. Queremos tener una cocina digna con estufa y buenas condiciones para que nuestros pulmones no se dañan. Nos asoleamos, las comidas se llenan de cenizas. Queremos que el alcalde nos ayude con esta mala situación. Estamos pasando trabajo con el agua de la cocina. Queremos hacerle una petición al señor alcalde, que nos adelante esta petición y nos agilicen la sentencia. Escúchenos y ayúdenos. Gracias.

Image removed to protect anonymity.

Nosotras queremos una lavadora, para dejar las condiciones en las que lavamos. Lavar en batea nos da muchas enfermedades, como dolencia, resfriado, espasmos, etc. No queremos seguir viviendo en estas condiciones. Para adquirir esto necesitamos la luz.

Miremos las condiciones en las que tenemos que lavar: en poncheras. Miremos como se nos dificulta lavar. Queremos mejorar, tener otra forma de vivir. Queremos una lavadora. Para obtener esto necesitamos la luz. Con la luz nos ayuda nuestra forma de vivir y no nos asoleamos tanto.

Image removed to protect anonymity.

Haciendo la comparación de estos dos lavaderos, está más amplio la ponchera que el lavadero que viene en el subsidio de vivienda. Estamos en el sol y eso nos puede dar cáncer en la piel. A menos nosotros colocamos la ponchera en la sombra.

Image removed to protect anonymity.



Somos mujeres emprendedoras

Las maquinas de coser pueden ser un emprendimiento para el futuro. El proyecto es muy importante.

Queremos gestionar ante el SENA una capacitación para comenzar a tener nuestra propia micro empresa y poder producir ropa, para tener nuestros propios ingresos.

Esta foto representa que podamos ser médicos de los animales en nuestras fincas, con una capacitación veterinaria. Esto podría ser una realidad, como para el proyecto lechero que viene para nosotras. Esto podría ser productivo porque así podría mantener mis animales sanos y en buen estado. Nuestros ingresos podrían aumentar más y nuestra calidad de vida cambiaría a un futuro mejor, como persona en la sociedad, como familia, y nuestra región tendría mejor vista, para cambiarle la imagen a la región.

Image removed to protect anonymity.



Esta foto representa que tenemos una empresa, porque trabajamos en familia. Trabaja el hombre, la mujer y los niños en la ganadería. El producto

de la leche es la que nos da el sustento familiar, la educación, la salud, los arreglos de la tierra ya para los medicamentos del ganado del mismo producto de la leche, y para la sostenibilidad de el mismo.

Nosotras no queremos quedarnos aquí. Nosotras queremos salir adelante para tener un nuevo futuro y mostrarles algo nuevo a nuestros hijos, que sí podemos salir adelante. Solamente no se puede solo en el campo.



La situación de la educación en el campo

Colegio de Planadas: como podemos ver está inconcluso. Le faltan ventanas. Está en obra negra. El techo está caído. Le entra el sol a los estudiantes. No tienen un baño donde hacer sus necesidades.



Colegio de La Cristina: podemos ver que este colegio está en abandono total. No hay patio, está lleno de maleza.



Las vías están en mal estado. Queremos las vías en buen estado para un mejor servicio para nosotros mismos, porque cuando nos toca una necesidad no podemos salir.





Necesitamos el agua potable y los recipientes para envasar el agua. Cuando se tomó la foto, tomabamos agua de este pozo. Ahora por el verano ya se secó. Necesitamos un pozo anillado para la comunidad.

Necesitamos el agua porque si vamos a hacer el proyecto productivo, necesitamos que haya agua apta para el consumo humano. Sin agua no hay vida.



Equipo de fotografas y camerografa:
(names protected to protect the anonimity of the participants)

Elaboración de textos: grupo de mujeres de La Palizua

Por un vivir mejor de las mujeres luchadoras de La Pola

Comité de Mujeres Impulsoras de Paz de La Pola

Image of the women's group removed to protect the anonymity of those group members who did not sign consent forms.

La Pola, Chibolo Magdalena
Abril de 2016

Image removed to protect anonymity.

Nosotros los campesinos volvimos a retornar a nuestras tierras sin ninguna ayuda del gobierno. Primero que todo no tenemos luz, no tenemos agua potable.

Muchas veces nuestros niños se acuestan sin comer, ya que se duermen por tanta oscuridad cuando nos toca cocinar tarde. El gobierno debería ayudar más al campesino ya que de nosotros es que ellos reciben los alimentos: yuca, el guineo, el café, arroz. Mejor dicho, vivimos del cultivo.

Vemos una cocina oscura, expuesta a muchas cosas.



El Agua

El agua es un servicio que necesitamos con urgencia, ya que la única fuente de agua que tenemos es el 'caño', que es para toda la comunidad.

Además, se encuentra en una propiedad privada. El agua que tenemos no es apta para el consumo humano.



Image removed to protect anonymity.

En estos momentos no contamos con el preciado liquido.

Image removed to protect anonymity.



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En nuestra comunidad no contamos con el servicio de baños sanitarios, lo cual nos obliga a hacer nuestras necesidades a la intemperie.



A la comunidad de La Pola nos urge el ACUEDUCTO!

Viviendas dignas!

Después de tanto tiempo de esperar nuestras viviendas dignas, aún seguimos viviendo en nuestras casas



elaboradas de bareque y plástico, techo de palma, las cuales no son aptas para vivir una familia, ya que el material del cual están hechas no brinda la seguridad pertinente, teniendo en cuenta que las viviendas no cuentan con un servicio sanitario adecuado. Debido a eso, nuestras necesidades las

debemos realizar en los montes exponiéndonos a una picadura de serpiente y otra clase de animales. Por lo tanto, nuestro más grande anhelo es tener nuestras viviendas dignas y totalmente adecuadas.





Necesidad de una vivienda digna!



Merecemos un dormitorio digno para descansar luego de una jornada larga!





Debido al fenómeno de 'El Niño' que ha venido afectando a toda la region, aquí mostramos como se encuentran nuestros predios: secos y sin agua.



Las vacas y demás animales están sufriendo la gran sequía.

Image removed to protect anonymity.

Nosotras las mujeres que vivimos en el campo padecemos muchas necesidades. Primero que todo, para preparar nuestros alimentos nos toca recibir mucho humo.

Nuestras cocinas no son lugares dignas para nuestras vidas, expuestas a provocar un incendio ya que las paredes son simplemente caña, palma, y muchas veces sacas. Cocinamos muchas veces de noche, oscuras. Los niños reciben ese humo.

Image removed to protect anonymity.



Nosotras quisiéramos que el gobierno nos preste más atención a nosotras, la población más vulnerable.

Image removed to protect anonymity.

Vemos una señora cocinando, expuesta al humo, a un incendio por las paredes de la cocina.



Queremos mantener limpio al colegio, que haya más higiene y que los alumnos mantengan el tanque tapado para utilizar esa agua para los baños.



Queremos que cuando nos regalen semillas para cultivar, nos regalen las comodidades para mantener el cultivo fresco y bien hermoso, para que tenga una buena germinación alimenticia para nosotros mismos.



Queremos que nos mantengan el pueblo limpio, para que cuando lleguen de otros lugares se admiren que La Pola es limpia y se lleven una buena imagen de la comunidad polera. Queremos que nos regalen las canecas para mantener el pueblo limpio y tener un lugar para la basura.



Image removed to protect anonymity.

Queremos que esta
situación cambie para
nosotras las mujeres.
Que cambie el vivir.

No contamos con
buenos servicios.



Image removed to protect anonymity.

Queremos una vivienda
digna y buen servicio de
agua, de luz, de vía y de
salud.

El atardecer es lo más hermoso, aunque tenemos muchas dificultades.

Desde la primera luz de la mañana hasta la primera estrella de la noche, y la tierra es nuestra sangre.

Equipo de fotografías:



(names protected to protect the anonymity of the participants)

Elaboración de textos:
Comité de Mujeres Impulsoras de Paz de La Pola

Appendix 8. Tables of codes and themes

Themes and codes in field notes (including informal conversations), field diary, semi-structured and Photovoice interviews, community interviews and focus groups, and notes of attended meetings (including Photovoice focus groups):

Theme/Code	No. of times coded total	References in field notes	References in field diary	References in stakeholder interviews	References in community interviews and focus groups	References in Photovoice interviews	References in meeting notes
Development needs							
<i>Climate</i>	167	87	15	1	7	50	7
<i>Education</i>	167	81	1	6	10	48	21
<i>Food</i>	112	64	8	2	2	33	3
<i>Health</i>	231	227	4	-	-	-	-
-Mental health	72	43	1	6	11	9	2
-Physical health	147	79	3	-	10	44	11
<i>Living conditions</i>	494	465	29	-	-	-	-
<i>Poverty</i>	165	79	-	1	18	57	10
Displacement							
<i>Impact of displacement</i>	182	91	-	20	39	18	14
<i>Period before displacement</i>	67	42	-	7	16	1	1
<i>Period of displacement</i>	93	58	-	5	19	11	-
<i>Returning after displacement</i>	106	67	-	8	19	10	2
<i>Violence</i>	115	66	-	13	28	4	4
Family relationships	208	203	5	-	-	-	-
Fear and threats	94	48	1	7	28	5	5
Gender roles and relations							
<i>Gender (in)equality</i>	194	91	2	18	27	37	19
<i>Masculinities and machismo</i>	213	172	6	6	14	8	7

<i>-Alcoholism</i>	65	60	-	1	1	1	2
<i>Men's roles</i>	162	99	3	3	14	34	9
Theme/Code	No. of times coded total	References in field notes	References in field diary	References in stakeholder interviews	References in community interviews and focus groups	References in Photovoice interviews	References in meeting notes
<i>Violence against women</i>	26	16	-	3	3	1	3
<i>Women's participation</i>	427	424	3	-	-	-	-
<i>-Objectives</i>	145	61	-	9	5	19	51
<i>-Obstacles</i>	196	130	2	1	9	9	45
<i>Women's roles</i>	561	551	10				
<i>Religion</i>	105	67	4	1	5	23	5
<i>Reparation and restitution process</i>	2276						
<i>Frustrations and disillusionment</i>	382	381	1	-	-	-	-
<i>Gender perspective</i>	201	138	-	49	14	-	-
<i>Information, communication and training</i>	238	235	3	-	-	-	-
<i>Obstacles</i>	397	396	1	-	-	-	-
<i>Organisation and participation</i>	211	210	1	-	-	-	-
<i>Role of personnel of involved institutions</i>	184	68	-	76	13	-	27
<i>Positive things</i>	129	27	-	65	15	12	10
<i>Procedures and processes</i>	534	534	-	-	-	-	-
<i>Research process and methodology</i>	1009						
<i>Conducting interviews</i>	79	54	4	-	9	12	-
<i>Ethical issues</i>	146	96	31	2	4	10	3
<i>Ethnography</i>	217	156	61	-	-	-	-

<i>Insider-outsider</i>	167	96	65	-	-	4	-
<i>Rapport with participants</i>	206	173	33	-	-	-	-
Theme/Code	No. of times coded total	References in field notes	References in field diary	References in stakeholder interviews	References in community interviews and focus groups	References in Photovoice interviews	References in meeting notes
<i>Visual research</i>	193	85	4	-	2	72	30
TJ needs and perspectives	1265						
<i>Development</i>	159	43	-	19	21	60	16
<i>Gendered TJ needs</i>	89	22	-	9	10	35	13
<i>Identity</i>	271	271	-	-	-	-	-
-Cultural identity	16	13	3	-	-	-	-
-Victim identity	33	30	1	-	2	-	-
-Farmer identity	44	39	-	-	5	-	-
-IDP identity	10	9	-	-	1	-	-
-Stigma	18	17	-	-	1	-	-
<i>Justice</i>	79	27	-	7	35	2	8
<i>Land</i>	107	46	-	14	37	8	2
<i>Guarantees of non-repetition</i>	88	37	-	14	26	3	8
<i>Peace</i>	44	17	1	13	11	-	2
<i>Reconciliation</i>	16	1	-	2	13	-	-
<i>Reparation</i>	248	218	-	-	30	-	-
-Commemoration	6	6	-	-	-	-	-
-El Balcón	5	5	-	-	-	-	-
-Expectations	10	3	-	-	7	-	-
-Psychosocial reparations	8	7	-	-	1	-	-
-Reparation needs	39	30	-	-	9	-	-
-Compensation uses	8	6	-	-	2	-	-
<i>Truth</i>	148	67	-	24	40	3	14
Trust	1257						
<i>Community relationships</i>	684	675	9	-	-	-	-

-Leadership	182	145	2	4	8	4	19
-Relations among communities	392	386	6	-	-	-	-
-Relations between communities	108	70	1	12	7	2	16
Corruption and clientelism	146	80	2	13	31	7	13
Relationship with and trust in State	316	316	-	-	-	-	-
Security	111	43	2	13	16	30	7

Quotes to illustrate codes*:

Theme/code	Illustrative quote
Development needs	
<i>Climate</i>	<p>Juan told me life is different now. Before, they produced all the food they consumed and they never bought anything. Now, the climate has changed and people can't depend on their harvests anymore. Before, many people grew rice, but this is no longer possible because of the change in the climate (FN).</p> <p>'Just a little bit. Now we are only getting five litres of milk. That is no use at all. This summer, this summer has killed all of us. And the entire year has been like this' (CI).</p>
<i>Education</i>	<p>Her oldest son was studying in Plato last year, but even though he was living with a cousin of Cecilia, they can no longer afford it, since they needed to send over some money for food, school utensils, etc. Now he will study here in La Pola, although Cecilia knows that the quality of education here isn't the same as in Plato (FN).</p> <p>'It's of the school. You can see what I said, it's totally abandoned. Because there was never a teacher, they never sent us a teacher who would be here permanently so that our children can have a better education. Therefore I decided, well the school because really that is the biggest need we have for our children. That's what we battle for, fight for' (PI).</p>
<i>Food</i>	<p>He also said he was sorry that he didn't even offer me <i>tinto</i> (coffee), so he went over to the plum tree and got me plums. He then asked if I ate papaya, and went to get some <i>dulce</i> (sweets) that his daughter had sent him for Easter. For the people here food is an important part of receiving guests and even if I tell them this is not necessary, they feel they don't treat you well if they don't offer food (FN).</p> <p>'So if a guest arrives and one doesn't have anything to give to the guest, one takes a turkey, or a chicken, and kills it. That's bad, if one... if one lives in a community and doesn't even have a little chicken or anything' (PI).</p>
<i>Health (mental and physical)</i>	Marta also mentioned that she has a problem with her son, who has 'lost his mind' but doesn't want to see a doctor

	<p>(MN).</p> <p>She said one of the key things in La Pola is health care. The nurse only comes when she feels like it, and often only for a couple of hours, and the doctor who is supposed to come every week sometimes only comes once a month! When her little cousin fell and hit his head twice, and burnt his hand another time, the nurse was never there to attend him. The health centre used to be well equipped with beds and stretchers and everything but now nothing is left, since they took everything to Chibolo. The hospital in Chibolo doesn't offer a good service either. They don't have water for example, and there is no gynaecologist, so complicated pregnancies and caesareans have to be attended in Plato (FN).</p> <p>'Health (care) is terrible. Like I told you, you see... I requested the appointment and they never made an appointment. It wasn't because of the authorisation, because I brought the authorisation and everything, but they still didn't call me' (PI).</p>
<i>Living conditions</i>	<p>In the house they currently live in, owned by Juana's mother, the water comes in from all sides if it rains heavily: it enters under the doors, through the walls which are made of rotting wood, and through the roof. When it rains hard, they continuously try to get the water out of the house. They are not able to buy any decent furniture since it will all be damaged by the rain (FN).</p> <p>In terms of the difficulties of getting to this land, Felipe's stepson explained that now the access is ok, since it hasn't rained that much. Five years ago when it rained a lot during winter, the water reached the fence around their house! By that time they still sold their milk to Juan, and on donkey it took them two hours to get there. Nowadays, Baron says it takes him about an hour to get to La Pola on 'animal' (FN).</p>
<i>Poverty</i>	<p>The children only came back around lunch time, because Elsa (Tomas's wife) was cooking rice and yucca and there wouldn't be enough food. The children said that yesterday she had only been cooking lunch at 4pm, and Julia said that if there is not enough food this is the only way: eating later so that they have lunch and dinner at once (FN).</p> <p>A: 'That is the bull. The bull needs to be there (in the photo) because Diego is thinking of selling it. I said I would take two pictures of it so that at least I have a memory of it.'</p> <p>SW: 'Why does he want to sell it?'</p> <p>A: 'Ay, because aha, there are so many needs and we have to do it to be able to build a house. So we have to...'</p>
<i>Displacement</i>	
<i>Impact of displacement</i>	<p>He said that he never talks much in public meetings because he was affected by the displacement in the sense that he always remained afraid of speaking in public. You never know which groups are still around, and what consequences it could have to talk about things in public. He gave the example of the things that are happening now (FN).</p> <p>'But look what we lost, it's not just money that we lost. In what, 16 years that have passed, 18 years, for the government to give us 20 something millions of pesos, that is nothing compared to what we have lost. Because we lost all the</p>

	harvest, which included yucca, corn, rice. The animals, we also lost them. The barbed wire, all the fences, all of that...’ (PI).
<i>Period before displacement</i>	<p>She also repeated that the time of the displacement had been terrible. Juana had to flee the house running several times, the bullets flying around her ears. Juan and his brother had been detained by the paramilitary once, threatened with a rifle. Nevertheless, they never received anything (FN).</p> <p>G: ‘And instead, when I was here before, here a harvest of rice lasted until the next harvest. And we would get bored of the rice that we had here. We would give the old rice to the chickens so that we could eat the new rice’.</p> <p>SW: ‘So you lived from what you produced?’</p> <p>G: ‘Yes, from what one produced. Look, I grew yucca, I grew corn, I grew <i>batata</i> (a sort of potato), I grew rice. Look, even when I went to the <i>finca</i> where I started working (during displacement), I also cultivated. I had, I will tell you, almost 90 bags of rice’ (CI).</p>
<i>Period of displacement</i>	<p>Laura came back to La Pola only a couple of years ago. All in all she was away for 15 years, and she lived in Fundación. Life was hard there, since they had to work very hard and hardly had any money to buy food. Sometimes at 11 am they hadn’t even had a <i>tintico</i> (coffee). The money they had brought from La Pola finished soon. Laura had to work, doing other people’s laundry and things like that. She was always very tired and they had hunger, it was a hard time. In the city things are not like the countryside, nobody gives things away or shares them, you have to buy everything. She told me that Diego’s family also had a very difficult time. They went to El Difícil, where they didn’t have money for electricity, and lived in stone house, which was very warm, while they couldn’t afford a fan. They had to work very hard; the money they made was hardly enough to live on (FN).</p> <p>‘Because that was a hard time, ooof. Working hard over there, no kidding. At least I knew how to work in the city. I had already learned how to work as a construction work. So when we left here, I took up building work again. But after that, like three years later, they didn’t want to take me anymore, because of my age... Well, so let’s go back to the countryside then. And that was when we went over there, to the area of Piojó, Atlántico. Other comrades from here went to Venezuela, others went to... ay everyone swarmed out!’</p>
<i>Returning after displacement</i>	<p>When Laura’s husband returned to La Pola initially she didn’t want to join. She was afraid because there were still <i>paracos</i> here, and moreover her children went to school in Fundación. In the end she decided to come. This was hard, especially for the children. Her oldest daughter was two when they left La Pola and the other was born in Fundación. In the beginning they didn’t like it here at all, since there was no electricity, things were very basic, and it was very dark at night. They wanted to go back. But now they have made friends, are studying and enjoy life here (FN).</p> <p>F: When we came in the return, I was working in a <i>finca</i>, the one I mentioned. Well, first I came by myself. Being here, we were all together over there, where the <i>Balcón</i> is. And I would come here with two or three others, we came here and worked and in the afternoon we’d go back, all the way on foot.</p> <p>SW: How long does it take on foot, an hour and a half?</p>

	<p>F: An hour, haha! And in the morning we would come here again to work, on foot. And in the afternoon we'd return. We had lunch here and we did this until... we all built our <i>rancho</i> (house) and everyone went, we all started moving and we left the <i>Balcón</i> empty again (CI).</p>
<i>Violence</i>	<p>Juana also told me how her father, in contrast to most other people of this region, wasn't afraid of the paramilitary. Instead of telling them he didn't know anything of the guerrilla, he told them the truth. Once he came home and discovered that the paramilitary were cooking a chicken and turkey of his. He went over to them and told them to pay him for the animals. They said they'd ask their commander. When they left without paying, her father went after them and demanded the money. They stopped him and beat him up completely. In the end he was killed (FN).</p> <p>'My mother, when they killed her brother, we all left whatever we had. In fact, we didn't come back. We didn't come back to the land, because my uncle was killed on 28 Julio, and we were displaced on 15 August. Everyone was in the vigil, so we didn't have time to gather anything. Especially my especially didn't manage, because they said that if she came they would kill here. So she left and my brother did too. All of that made that we didn't collect anything' (PI).</p>
Family relationships	<p>They were very afraid and left. Irene left with her five children (four girls and a boy) to Pivijay. But since her children couldn't go to school there, her mother took all her children from a very young age. As a result, her youngest son tells her that although she is his mother, since she gave birth to him, he feels that his real mother is his grandmother (FN).</p> <p>But Diego said it is not only this rumour about Paola that has caused problems with Luz, yet that Luz treats him badly in the house anyway, and that he therefore prefers to go to meetings then to be at home. The other side of the story is that Diego spends most of his time in meetings and it also seems logical to me that Luz is upset with this and reacts against Diego. A typical vicious circle, but in the meantime the whole community has its opinion about it (FN).</p>
Fear and threats	<p>After lunch, I went to say goodbye to Mauro. He was also worried with the current situation and the groups that displaced them reorganising. He said he is afraid of a new displacement, and being forced to start over again from scratch once more. He asked me: 'do you know what it means to start again from zero?' He said that Tuto Castro attended the meeting in San Angel, like 'los Meza' who were powerful landowners from the region. This worries him (FN).</p> <p>I asked her if she had denounced her husband's death, and she said that she had, even though she denounced very late: only when they returned from displacement, because she was too afraid to denounce because the Autodefensas said they would kill them if they'd denounce (FN).</p>
Gender roles and relations	
<i>Gender (in)equality</i>	<p>Luisa said she is proud that she raised her children with the two arms of her husband who worked and what she contributed too. She is proud she learned how to milk the cows because when her husband would be away, sometimes for a week on a row to work, she would milk the cows and feed her children. She would do everything her husband would otherwise do and this makes her proud (FN).</p>

	<p>SW: And in what way do you feel this inequality, between people or between men and women?</p> <p>C: Between different people, because in fact the man often does things without asking the woman. Previously, the women participated just like the man, but now she doesn't participate equally. And that is what I need, or rather what I want, that there be equality. That both men and women are equal, that the participation is equal (CI).</p>
<i>Masculinities and machismo</i>	<p>Then the discussion turns to promiscuity. Juana tells us that she is happy that Juan '<i>se compuso</i>' (improved). With this she means that in earlier times he used to go out a lot and cheat on her with other women. Juan is very open about this and tells us how he used to go out with women from <i>la calle</i>. However, he says it no longer is a problem since he has now calmed down, and Juana knows that his commitment is with her and the family. However, he leaves quite open if he would still cheat on her, and I had the impression he would, but just less than before. He tells us very openly that 99% of the men in these villages is unfaithful. Women however couldn't cheat on their husbands because nobody would want to be with them, while men become more man by cheating, <i>les luce</i> (it looks good on them). He agrees that this might not be very fair on the women, but that's the way it is (FN).</p> <p>'Rather than making them say I love you to another man, they should have brought a <i>cachaca</i> (woman from Bogotá)' they said (MN).</p>
<i>Men's roles</i>	<p>I asked AC if she normally comes to the community meeting (yesterday she wasn't there), but she says she doesn't, because her husband goes (FN).</p> <p>SW: So before, you were not used to going out to run errands?</p> <p>C: Nothing. Nothing, because the truth is that you know in the time that I... Well it was the man who would go out. And at least I only spent my time doing household tasks. And he used to do all procedures that had to be done outside, he did all of that. I did nothing, he would bring me everything here, I was only here to work in the house. The tasks here, but over there nothing. But aha, I thank god that I have learnt. I have been able to get by (CI).</p>
<i>Violence against women</i>	<p>Just before we left, they were talking about Guillermo's sister-in-law who is being mistreated by her husband (Guillermo's brother). Guillermo said he had told her she should denounce her husband, while Jimena said Abel shouldn't be surprised when the girl's father does something to Guillermo's brother. This is the second case of interfamily violence I have heard about (FN).</p> <p>'(Name of ex-husband) said something that is etched in my memory. He said, and I won't forget it, and neither will my daughter. God is great and almighty, because he said: 'he who breeds chicks has to mark their bones'. That means that since he helped me raise Susana, he can abuse the girl. And it's not like that! What confidence can I have in him, you tell me? I can't trust him, leave him here in the house with mi girls, I can't. She says the same thing, she doesn't trust him' (PI).</p>
<i>Women's participation (objectives and obstacles)</i>	<p>They said that the other women only want to come to meetings when there are projects, but they don't want to work on the previous process of applying for projects. Alba agrees, since when they receive things like in the PAIPI (a programme for mothers and children in which they receive some eggs and oil), all the women attend the meeting (MN).</p>

	<p>‘When we came here, there were several women and we would get together for a project with some animals that they gave us, some goats. Then the displacement came and all of that (stopped). But the women here, having a... a women’s groups, no, no. That is hard. It has been difficult, but...’ (PI).</p>
<i>Women’s roles</i>	<p>Fortunately the party didn’t last that long, since after the birthday cake was cut everybody was sent home. I helped doing quite a lot of dishes, for which Inés rewarded me by saying ‘Sanne, you deserve a good man’ (for having good housewife qualities probably). Her niece at her turn asked me if I can cook and if I cook for myself. They do seem to think I am a bit useless (FN).</p> <p>Ligia told me she used to spend a lot of time at Lucía’s house, washing and cooking. She would stay there also when Lucía would go out, and Ligia would take care of Lucía’s son and cook for him. She would sometimes stay there for two weeks on a row. She speaks very warmly of Lucía and Roberto. But when she married her husband, he wanted her to be home, instead of cleaning at Lucía’s house. Now Ligia said she hadn’t visited Lucía for almost two years (FN).</p>
Religion	<p>When we were watching the news at night with a big group (also Josefa’s brother and his son were there, like Irene’s husband) and they showed an item about the approval of gay marriage, everyone agreed that this was wrong, since marriage is before god between man and woman and that marriage between people of the same sex is a sin (FN).</p> <p>Luisa is evangelical, and quite clearly so. She and her husband (and brother in law) mention god and how they have to wait for god to help them. Her brother in law said this was just a time, and as the bible said, they just have to wait for things to get better (FN).</p> <p>‘God is big and almighty, he will... he will help us’ (CI).</p>
Restitution-reparation process	
<i>Frustrations and disillusionment</i>	<p>Patricia told me that indeed Paola’s compensation was sent back. She doesn’t understand why the Victims’ Unit didn’t call her, while they do have her phone number! The compensation was sent to Campo de la Cruz in Atlántico, where they used to live before. But they did tell the VU about moving to La Pola, so why did they then still send it to Atlántico? (FN).</p> <p>Later, Diego tells me that they want to organise a meeting with the VU and the three mayors and their TJ committees, to force them to make a plan for the implementation of the collective reparations. If there is no implementation plan, Diego says, they prefer to stop with everything, because things don’t work like this (FN).</p> <p>He said that now they feel desperate of all the waiting for the land titles, they are bored already for waiting in vain for any help to come. They don’t feel like investing much time and money in the land now, since the land could be taken away from them again for not having a land title. Tomas spends a lot of time going to all kinds of meetings, while he doesn’t get paid for it. Mauro said he sometimes feels like leaving everything behind, because the living conditions here aren’t appropriate for somebody his age either (FN).</p>

<i>Gender perspective</i>	<p>Those who went to the meeting were Diego, Rafael and Guillermo from Palizua, someone from Bejuco Prieto and someone from Canaan – no women involved whatsoever... (FN).</p> <p>Elena asked me whether she would receive compensation as well, since although everything is at Alejandro's name, she was displaced as well (FN).</p> <p>'We have got a methodology with which we have just done some pilots in several places in the country, to implement a methodology with a differential focus. It has already been approved in some locations, but let's say we still need to expand it to all processes of collective reparations' (SI).</p>
<i>Information, communication and training</i>	<p>Now she has received many messages of the VU, saying that they are dealing with her request of 17 April 2015, and that they will contact her again in 20 days. She has received the same message at least four times, starting with a message from August (as far as I could see in her phone). She doesn't even know what it is about (FN).</p> <p>Josefa had to go to a meeting of CODHES in Chibolo. She wasn't sure what the meeting would be about, which seems to be quite common. She is just invited for meetings and she goes, even when she isn't sure what she will be doing and if it will be useful (FN).</p>
<i>Obstacles</i>	<p>Carolina's problem is that when her children received compensation two years ago in March, one of her daughters had a problem with her identification document, and therefore couldn't receive the money. When she had finally managed to solve the problem, she was told it was too late now and that she wouldn't receive the money. She was told she would need to file a <i>derecho de petición</i>. I asked if Carolina had received compensation herself, but she said she hadn't, and that instead of herself, Lucía had received it. She told the people from the VU that she was the mother of the children, but they said she'd receive compensation later (FN).</p> <p>Roberto also said that the LRU committed a mistake with Pola Pequeña, since they gave the people the projects without this <i>predio</i> having been micro focalised. Who knows how they will solve this problem now (FN).</p> <p>Claudia mentioned that the work in Magdalena is very complicated, since there are many large landowners who oppose the land restitution processes. She invited me to a meeting tomorrow about another community, which has serious problems with the large landowners who are their neighbours. This might be an interesting meeting to get an impression of the general issues of the region (FN).</p>
<i>Organisation and participation</i>	<p>Back in Chibolo, I met Diego in the bakery. I asked him if he wasn't fed up with so many meetings. Yesterday and the day before they had meetings with the <i>Centro de Memoria Histórica</i>, last week he went to Chibolo to open a bank account for the association (without success since the association so far doesn't have enough money), today a meeting with the <i>Comité de Tierras</i> in Chibolo, tomorrow the hearing with the judges, the day afterwards the meeting with the FAO about the association among the four <i>veredas</i>, and it continues like this (FN).</p> <p>He said that sometimes he gets a bit tired with all the meetings, since he is a member of most committees: <i>tejedores</i>,</p>

	<p><i>comité de impulso</i>, member of the board of the association, <i>gestor de memoria</i>, in charge of gathering the archives. Most of the other people aren't that active, they hardly show up for meetings because they are lazy, plan badly, etc. So sometimes he would like to quit, but then he sees Diego who by himself is trying to manage everything and then he thinks he needs to continue, to keep accompanying and helping Diego (FN).</p> <p>Irene forms part of the <i>comité de impulso</i>. In this committee in Palizua there are 12 members (all people I know, leaders), of whom four are women. When I asked her what her role is as part of this committee, she told me that she just went to the meetings and that was all. In the beginning she also had to cook during the meetings, but this way she couldn't pay attention to the meetings so in the end they looked for other women who could cook (FN).</p>
<i>Role of personnel of involved institutions</i>	<p>There was also still a lot of discussion about (name anonymised) from the VU who had told several persons not to shout or make hand gestures at her. All agreed she definitely didn't know in which country she was living, and didn't know the way the people are here, and that their loud voice or hand movements doesn't mean they are angry. Lucia wondered how her work will continue next year, if she can't stand these things... (FN).</p> <p>She said that in general she finds it hard to do her work, since she falls from one deception into another. She mentioned the cancelled meeting with the governor that made her so angry that she had to buy a bottle of wine to relax afterwards. She decided she has to take better care of herself, eating well and doing sports, because she was feeling the effects of the stress and anger, as she wouldn't sleep well, etc. It must be hard to work in such difficult conditions when you are really committed to the people, but everything around you is so corrupt that you can't really get things done (FN).</p>
<i>Positive things</i>	<p>According to Guillermo, the only institution that really works seriously in Palizua is the Centro de Memoria Histórica. They have made a work plan and time schedule and they actually stick to it (FN).</p> <p>'Well, that was something good because it helped us so that I could improve the land, I could build a corral. From that I bought some animals, and well, that helped' (CI).</p> <p>'It's very good that we started this before ending the conflict. We were the first country in the world to start before ending the conflict' (SI).</p>
<i>Procedures and processes</i>	<p>Anita also asked if they couldn't arrange for a delegation of the Victims' Unit to visit La Pola and take declarations of the people who are not yet included in the victims' register. Many people don't have enough money to travel to Plato to declare, and many people are still having problems, for example for not being included, or still having mistakes in their declaration. (MN)</p> <p>She told me she used to receive humanitarian assistance, once a year (she said this is always once a year, although I remember other people saying they used to receive it more often) about \$610.000 each time. When it stopped she filed a <i>derecho de petición</i> and last year she received about \$200.000 since she was told she is now included in the Plan PAARI. She doesn't know what this means. I guess it means she will receive compensation at one point, but when is</p>

	<p>still a question (FN).</p> <p>‘Imagine, so sometimes one goes and spends the money for the trip, which one often doesn’t have, so when one travels to Santa Marta one has to go with at least 100.000 pesos. So often one doesn’t have those resources, and that’s why one doesn’t undertake those procedures’ (CI).</p>
Research process and methodology	
<i>Conducting interviews</i>	<p>Also I again noticed that the questions about gender are difficult. If I ask directly about gender relations, people (especial elderly people like Felipe, who is probably around 80) wouldn’t understand, but asking about the relations between men and women, Felipe interpreted this as the sentimental/love relationships between people. Therefore I decided to ask about women’s participation, which seemed to work a bit better (FN).</p> <p>The interview with (anonymous stakeholder) turned out to be much longer than I expected. I had thought to ask her to tell me a little bit about the initial period of land restitution in Chibolo, but she got excited and told me lots of details and anecdotes. Very interesting and useful, and she said it had also been useful for her to reflect on what she really wants to do now, in terms of work and personal life (FN).</p>
<i>Ethical issues</i>	<p>The interview went well, although it was hard to find a private space next to such a small house surrounded by other houses. In the end we sat behind the house and although in the beginning it was just us two, it was clear the conversation could be heard in the house, and at one point Celia’s husband even stepped in. After some time her daughters and stepson also joined, but Celia felt really relaxed anyway, so I decided I wouldn’t mind either. Culture here is much more collective and I can’t force them to send the others away, if they themselves don’t care (FN).</p> <p>The only thing she didn’t take pictures of, which she had told me before she wanted to take pictures of, was the area where the village people come to do their necessities. She said ‘<i>me dio cosa</i>’ (she felt uncomfortable) taking pictures here, which I also can understand well. Celia also asked several times if Inés also took pictures. I told her she told me she had taken only a few. Celia said that this is logical, since Inés’s situation is different, ‘she is <i>chevere</i> riding on her motor, and doesn’t have our necessities’. I hadn’t really thought well about this until these days when I saw Inés taking pictures of the family parties, and Celia making these comments, but this difference in class status will also affect the outcomes of the Photovoice process (FN).</p>
<i>Ethnography</i>	<p>Although the start here in Palizua was a bit difficult with my misunderstanding with Josefa about the horse, and my lack of preparation coming on sandals instead of closed shoes, these days have turned out to be really nice and interesting. I think both Josefa and I were positively surprised. Josefa in terms of my ability to ride a horse for entire days, and me with her opening up ever more and with the good response of the people here (FD).</p> <p>At night most of the family came to visit again. I also learned that 16 January is the birthday of Lucía’s father, and if I am staying at Juana’s or Lucía’s I am surely expected to go to the birthday party. This is the uncomfortable part of staying in someone’s house: being expected to participate in all family events, while not always feeling that comfortable</p>

	in this type of parties and moreover knowing what other people think about this particular family (FD).
<i>Insider-outsider</i>	<p>It still feels a bit unfair how people really expect you to do nothing, sleep longer than they do themselves, etc. Although some times, being honest, I also don't have the energy to help with much more, since it is so hot (FD)!</p> <p>But the fact that they just kept me on hold for months and then assigned me an interview with someone who is not even allowed to give an interview was quite astonishing! And also the idea of sending her the questions without even understanding it would be quite rude to make somebody come to your office just to ask them to send the interview by email! There is definitely a big difference in the treatment of PhD researchers or people who work in NGOs that might have money... (FN).</p>
<i>Rapport with participants</i>	<p>Back home, Luis remembered that I was almost leaving. He said that it feels like a daughter is leaving, because I am already part of the family by now (FN).</p> <p>I first went to Irene's house. She was surprised to see me and a bit sad when I told her I was leaving earlier. She said she always was looking forward to the end of every two weeks since I would be coming, and she said that this time I wouldn't leave without having lunch in her house (FN).</p>
<i>Visual research</i>	<p>When I got to Ligia's house, I gave her the photo book and she and Cristian started looking at it straight away. Cristian said that these pictures show the reality. They should have showed this reality when the president visited La Pola, but back then the people decided to show the best cows, the nicely swept 'corrales' and the best harvests. They didn't show the poverty and the real needs. It was like everything was perfectly fine here (FN).</p> <p>In the end, I asked Cecilia if we could sit somewhere quiet so I could ask her some questions about the pictures. We sat aside and had a quite quick interview, since Cecilia had taken several pictures of similar things. But she said it was a relief to be able to talk to someone else about her necessities (FN).</p>
<i>TJ needs and perspectives</i>	
<i>Development</i>	<p>After the interview, Dina's husband also sat with us for a while. He insisted in showing the many needs that La Pola still has. But the biggest problem right now is the drought, both for the animals and for the people, since it is tiring to fetch water several times a day. He said they need some deep wells on the land; the government should help the people with this but the government is absent here. The case of La Pola is known on the national and international level, but even so there is hardly any help for the village (FN).</p> <p>'Well, the most essential here I would say is for example the improvement of the roads, and especially the issue of the electricity and drinking water. That is something, because since we returned, here in La Pola there should have been electricity already! Principally the roads, since look at that road, it's not very good' (CI).</p>
<i>Gendered TJ needs</i>	Josefa says the women need many trainings, both practically/economically and emotionally, since all those experiences of violence and the years of displacement have had a clear impact. Josef says it is important that they learn how to organise again and form a strong and united group, also in order to resist a new displacement, if this were needed in the

	<p>future. Also artistic trainings might be interesting, for example about how to make clothes, knitting, etc. (FN).</p> <p>So that women can overcome (their situation), they need workshops, trainings. So that one can have their vegetables, to grow crops, so that one gets used to growing their own crops (PI).</p>
<i>Identity</i>	<p>He had surgery in Barranquilla but didn't follow the doctor's advice because he as a <i>campesino</i> always needs to be busy (even with his 80 years) (FN).</p> <p>Cecilia told me the same as Marta from Palizua: when they were just displaced to Plato, they couldn't tell anyone they were displaced because people were frowned upon and would lose their jobs if their bosses heard they were displaced people. But once the assistance started coming, all of a sudden everyone was displaced, so they could receive help as well (FN).</p> <p>Vicente said that many people have started to become used to receiving assistance from the state and just wait for this instead of working hard to improve their own situation (FN).</p>
<i>Justice</i>	<p>I asked her if she had denounced her husband's death, and she said that she had, even though she denounced very late: only when they returned from displacement, because she was too afraid to denounce because the Autodefensas said they would kill them if they'd denounce. In terms of the judicial process because of her husband's death, she was assigned two different lawyers of the <i>Defensoría del Pueblo</i> (Ombudsman's Office). But the process was very long and she would often call without anyone answering. She said she didn't have time to be chasing the case, especially with her son being disabled and in bed at home. So she basically left the case and never saw any results.</p> <p>'Well, justice for me would for example be that they would give us what they are going to give us, so that can feel some relief. And I wouldn't wish that they, that justice would be that they would come and perhaps kill them, no. One has to give pardon because one is human and makes mistakes' (CI).</p>
<i>Land</i>	<p>Juan says he is anxious to receive his land title, since that way he could obtain a credit and improve his house. He hoped that when the titles of Las Toluas and Santa Rosa came through, that they would also give land titles to the <i>compradores de buena fe</i>, but this was not the case. Perhaps it will happen now, if the case of La Pola Pequeña manages to advance (FN).</p> <p>Palizua is still much more behind in terms of land restitution, since only Planadas has received land titles so far. People are worried, especially because the older people are dying without ever having received their land titles. Supposedly the land restitution and reparation prioritises elderly people, but in practice this doesn't seem the case (FN).</p> <p>SW: And what is for you the importance of having your land title? R: Well, it's like a form of security, that one feels one has rights, because one has a property (CI).</p>
<i>Guarantees of non-repetition</i>	<p>For the people here, the extradition of Jorge 40 was a good thing, since apparently just a couple of days before his</p>

	<p>extradition 40 had given the order to kill one of the leaders here. But once he was in the US, his cronies had little influence anymore, and people feel quite safe now (FN).</p> <p>Now they have their land titles back. This gives a little bit of tranquillity, although Carmen knows that the people in <i>La Pola Pequeña</i> had their land titles when they were displaced, so in the end this is no guarantee (FN).</p>
<i>Reparation</i>	<p>Carmen said that she really liked the sessions with the psychologist, because it is important to tell the things that they have maintained inside for such a long time. The exercises he uses make them laugh, and distract a bit from their everyday concerns (FN).</p> <p>Therefore she insisted that it is not all about money, also in terms of reparation. Health and education are important too, so that the children can have better opportunities in life (FN).</p> <p>SW: Has the compensation been useful? M: Of course it has! I was ill and I used a part for that. And another part we invested in the land here. SW: They used it to improve the land? M: Of course. Over there we did some work, and here too. Because we didn't have any money to spend, so it was useful (CI).</p>
<i>Truth</i>	<p>She said she'd prefer the creation of a museum, some pictures and stories that could be displayed in the <i>casa del balcón</i>, so that people can learn more about the history of La Pola and the important work of the people who lost their lives (FN).</p> <p>So there are things that the law doesn't touch upon. It evades them. It evades them, time passes, and that is the issue of the investigations. There is an order: investigate those who produced the displacement here and did those things, and that doesn't advance. That is to say, in that respect nothing happens. And in the meantime we are talking about guarantees of non-repetition! (FG).</p>
<i>Trust</i>	
<i>Community relationships</i>	<p>In terms of the meetings, he doesn't agree that Diego always goes to all meetings. He agrees with his neighbour who forms part of the <i>comité de impulso</i> but said he is about to resign, since he is never asked to attend any meeting, while Diego never tells them about the things that are going on. Why would for example Roberto need to go to today's meeting in Chibolo, when he is no longer a member of the board of the association, nor a member of the <i>comité de impulso</i>? Alejandro thinks that those people who actually lived through the displacement should represent the community during meetings. Someone like Paola wasn't here when the people were displaced, so what can she know about this time. Laura was here, and her father in law was killed, so she can tell the story (FN).</p> <p>They are discussing how some people from Palizua are now trying to support (candidate for mayor). But Juana, Juan and Lucía are very sceptical, since 'all of those people are only after the money', because otherwise why do they only</p>

	<p>start to support him now? They were telling some other stories related to those from Palizua, such as money borrowed but never returned, which make me understand they don't trust these people very much. They all somehow belong to one and the same community, or at least this is how people talk about the past, and still everyone seems to know each other, but this kind of story is also being told (FN).</p> <p>Both she and her husband said that things always get to La Pola before; they receive more projects there. He said it is because Jorge 40 was there. Therefore it is always 'La Pola, La Pola' (FN).</p>
<i>Corruption and clientelism</i>	<p>Patricia told me that she has heard that now all jobs have been divided already, such as <i>inspectora</i> (police inspector), <i>promotora</i> (nurse), etc. This makes her sad, since the politics have really divided the people (FN).</p> <p>L: The President was saying that there are many people who were not displaced and they pretend to be IDPs, and that there are going to be cases. Because in reality there are many people who, like he says, it's true that there are many people who pretend to be displaced.</p> <p>SW: And they are receiving assistance that they shouldn't receive?</p> <p>L: There are people who receive assistance while they were not displaced, and so it doesn't go to those who need it most. There are people who have a house, and they are giving houses to those who don't need them, instead of those who don't have a house to live in (PI).</p>
<i>Relationship with and trust in the State</i>	<p>He says that nowadays it is difficult to earn enough money to be able to send your children to school. The land doesn't give enough and the government doesn't help the <i>campesinos</i>. When there is a year with little rain, the cattle dies and people don't have any income. He says that the <i>campesino</i> is disappearing or invisible for the government (FN).</p> <p>Roberto complained that there is hardly any State presence in the village. The police hardly ever come, because they say they don't have enough gasoline or vehicles to patrol, and also the army never shows up. So the security can't be guaranteed; the state has these villages unattended (FN).</p>
<i>Security</i>	<p>Speaking about the attempted theft of Josefa's cattle, Juan says he knows – they all know – who did it. They are some young guys, nephews of a man from the area. They have told him he should tell the guys' mother, since when they are stealing like this, they will either kill or be killed, since if people steal things that other people work hard to obtain, the consequence is that they are likely to be killed, which is the only thing you can do in this case. Also Juana said that with this wave of insecurity, they should buy a gun (FN).</p> <p>'We would like that they send us security (police) because one never knows what can happen, right ma'am? Because since this is land where there has been so much violence, what would happen if those people come to mistreat us and remove us again?' (PI).</p>

*The letter behind the quote indicates the source of the quote:

FD: Field Diary

FN: Field notes

CI: Community interview
 SI: Stakeholder interview
 PI: Photovoice interview
 MN: Meeting notes (including visual focus groups)

Visual themes and codes:

Theme/code	No. of times coded total	Coded in images of 8 women in La Palizua	Coded in images of 10 women in La Pola
Development needs	493	86	407
<i>Electricity</i>	28	4	24
<i>Housing</i>	105	8	97
<i>Bathrooms/bathing</i>	29	3	26
<i>Surroundings house</i>	28	8	20
<i>Education</i>	38	6	32
<i>Roads</i>	18	12	6
<i>Means of transportation</i>	51	13	38
<i>Poverty and hunger</i>	14	9	5
<i>Water</i>	116	10	106
<i>Kitchen</i>	33	12	21
<i>Health</i>	2		2
<i>Climate/drought</i>	31	1	30
Gender roles and relations	153	64	89
<i>Women's projects</i>	6	6	
<i>Women's roles and activities</i>	110	38	72
<i>Women's participation/organisation</i>	6	5	1
<i>Men's roles</i>	20	6	14
<i>Gender (in)equality</i>	11	9	2
Transitional justice	23	14	9
<i>Housing restitution</i>	14	11	3
<i>Loss/memory</i>	9	3	6
Wider community	64	1	63
<i>Neighbours</i>	37	1	36
<i>Community organisation</i>	3		3

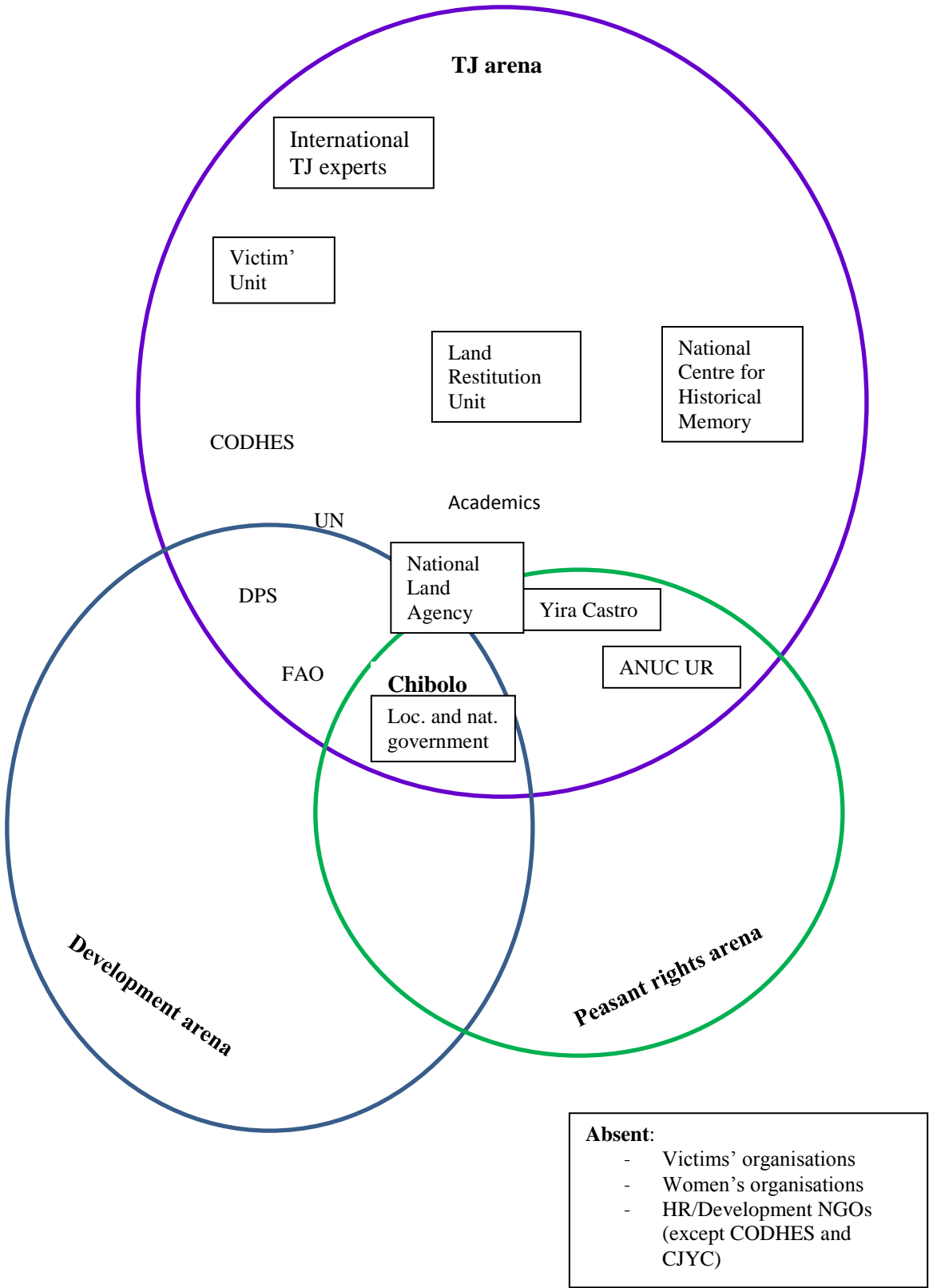
<i>Recreation</i>	17		17
<i>Family development projects</i>	7		7
Identity and belonging (including images of food)	40	11	29
Family	323	133	190
Animals (cattle and farm animals)	142	26	116
Religion	19	15	4
<i>Total</i>	<i>1257</i>	<i>350</i>	<i>907</i>

Appendix 9. Situational analysis maps

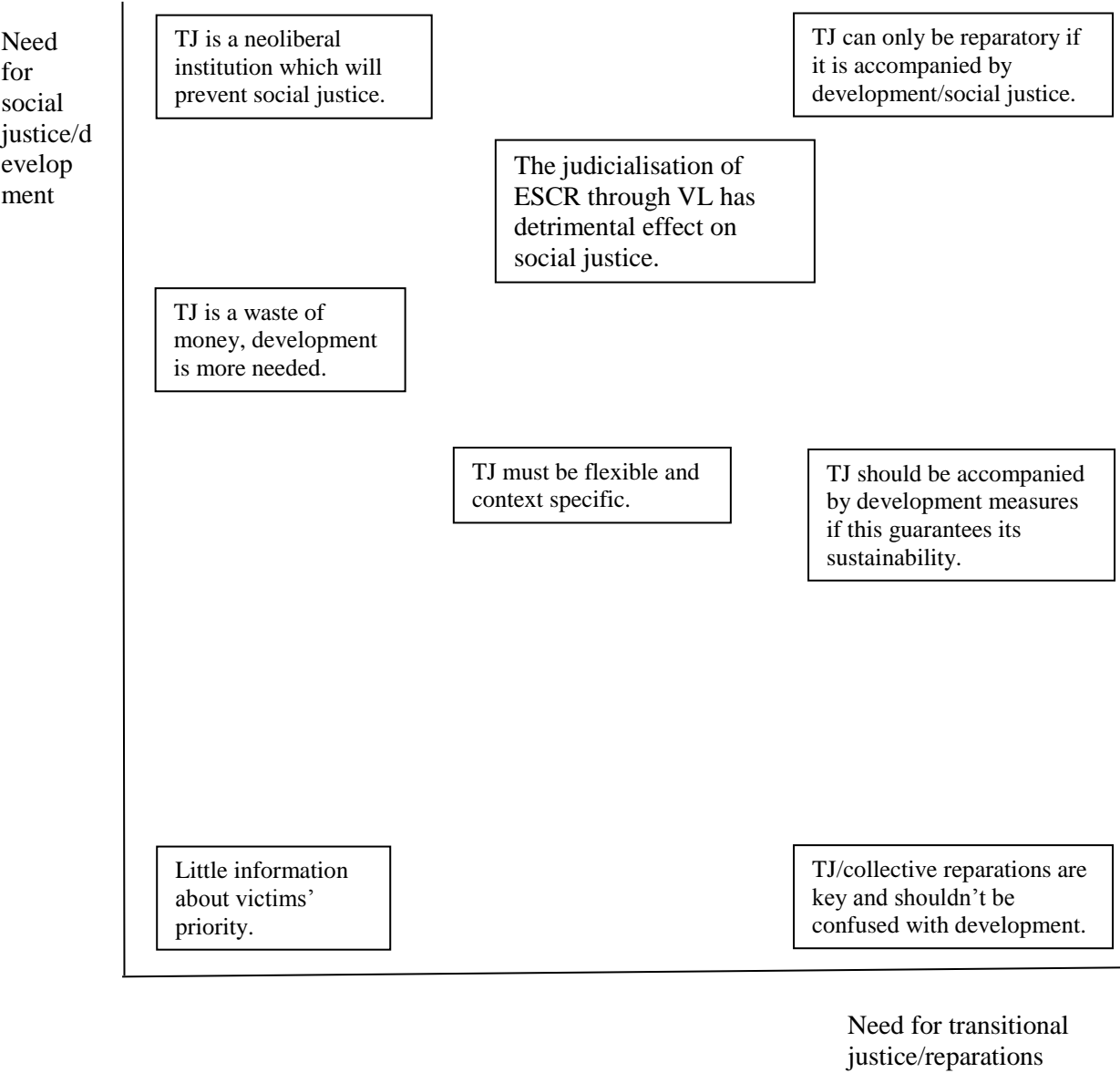
Situational map



Social worlds/arena map



Positional maps



Gendered
TJ needs to
challenge
gendered
inequality

Gender inequality
affects both men
and women and
should therefore
be transformed.

Women bear the brunt
of inequality and
should be prioritised,
but a protectionist
discourse maintains
inequality.

Understanding that gender does
not equal 'women', but inability
to implement it differently.

Sexual violence is the
key gendered crime,
mainly hits women.
Silence should be
broken at all costs.

Masculinities
unaddressed in
TJ.

There is no need to
cause fights between
men and women. A
focus on empowering
women is enough.

Gendered TJ needs to
protect vulnerable
groups

Appendix 10. Published article



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Notes From the Field: Rebuilding Lives Among Memories of Violence

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Notes From the Field: Rebuilding Lives Among Memories of Violence

Abstract

Colombia has been the site of one of the world's longest internal armed conflicts. Its population has been trapped between different armed groups, who in their struggle for control over land and resources have uprooted millions of people. After the demobilization of the country's paramilitary group Autodefensas Unidas de Colombia (AUC) in 2006, many people have started returning to the land from which they were displaced. A land restitution and reparation program was adopted in 2011 that is now, slowly, returning land to its original owners and assisting people in the difficult process of resettling. This paper describes how people in two communities in Colombia's Magdalena Department are attempting to rebuild their lives among memories of fear and violence, and in conditions that reflect the severe structural inequalities that many people still continue to suffer today.

Keywords

displacement, Colombia, heritage of violence, structural inequality, post-conflict reconstruction

Author Biography

Sanne Weber is a PhD candidate and Research Assistant at the Centre for Trust, Peace and Social Relations (Coventry University). Her research aims to analyse how conflict affects gender relations, whether and how transitional justice mechanisms are capable of addressing and transforming gendered and other structural inequalities, and how transitional justice mechanisms can better respond to the needs and demands of survivors of conflict. Previously, she worked as a researcher and project coordinator for human rights organisations in Guatemala on projects related to gender-sensitive transitional justice and the prevention of violence against women.

Introduction

Colombia's internal armed conflict is one of the world's longest, spanning more than four decades. The causes of Colombia's conflict lie in extremely unequal land distribution and poverty, which led to the foundation of left-wing guerrilla groups including the FARC, ELN and several smaller movements in the 1960s¹. Originally built on communist ideology, this was diluted over the years as the organizations increasingly began to fund their operations through illegal activities such as kidnapping, drug trafficking, and extortion (Theidon 2009; Burbidge 2008). In order to defend themselves from guerrilla groups, large landowners established paramilitary "self-defense" groups. These paramilitary groups united in 1997 to become the national level organization AUC². This organization has not only been responsible for serious human rights violations³, but also became increasingly powerful as an economic, social, and political force, especially at the local level where in some places the local government was infiltrated and co-opted by the paramilitary and their accomplices⁴ (Theidon 2009; Lemaitre and Sandvik 2014).

¹ The FARC, (FARC-EP in full: *Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo* or Revolutionary Armed Forces of Colombia – People's Army) was founded in 1964 as rural guerrilla group with Soviet Union backing, intending to defend rural peasants. The ELN (*Ejército de Liberación Nacional* or National Liberation army) was founded in 1964 as well and was originally backed by Cuba. Other, less powerful guerrilla movements have been the EPL (*Ejército Popular de Liberación* or Popular Liberation Army) formed in 1967 with support from China and M-19, most of whom have demobilized (Burbidge 2008).

² AUC stands for *Autodefensas Unidas de Colombia*: United Self-Defense Forces of Colombia.

³ In 2013 the Justice and Peace Process which aimed to demobilize the paramilitary and establish the truth about their crimes had received confessions about 39,546 crimes committed, including more than 25,000 assassinations and over 1,000 massacres, as well as enforced disappearances, forced displacements, kidnappings and sexual violence. For more information see <http://www.eltiempo.com/archivo/documento/CMS-12490495>.

⁴ An example of this co-optation was the Pact of Chibolo of September 2000, in which 400 local politicians and people aspiring to obtain a political position in the Magdalena Department agreed to support certain candidates for the regional government, in return for favors by the paramilitary (Centro de Memoria Histórica 2012).

Guerrilla groups, state armed forces, and paramilitary groups (until the demobilization of the latter), have disputed control over territory, used large-scale human rights violations against the civilian population to control land, and have caused massive displacement flows. It is estimated that around 6 million Colombians were forcibly displaced between 1985 and 2013 (CODHES 2013), while other crime rates were also elevated. Estimates suggest that over 200,000 people have been killed between 1958 and 2012 (Grupo de Memoria Histórica 2013), while 15,000 to 50,000 people have been disappeared and over 25,000 have been kidnapped since 1963 (Summers 2012).

The paramilitary AUC continued operating, often in close collaboration with the state, until they were demobilized through the Justice and Peace process⁵ that commenced in 2005. This process involved amnesties and reduced prison sentences in return for paramilitary collaboration and participation in a truth and reparation process (Burbidge 2008; Diaz 2008). At this moment, Colombia's government is finalizing peace negotiations with the FARC. The current proposal outlines alternative restorative justice sentences for both the FARC and the military, in return for their collaboration and participation in truth-finding and reparation efforts and making a commitment towards non-repetition.

Researching among memories of violence⁶

In spite of the conflict, Colombia's economy has continued growing, leading to what could be called two Colombias (Pearce 1990): one, built upon the success of Colombia's economic management, sits juxtaposed to the reality experienced by a large part of Colombia's population where basic economic and social needs are largely unmet.

⁵ The Justice and Peace Law, adopted by Colombia's Congress in 2005 and approved by its Constitutional Court, provides reduced prison sentences of five to eight years for demobilized members of paramilitary and guerrilla groups. In return for this, they needed to confess the crimes they had committed and contribute to the reparation of the victims. If the demobilized were found not to have told the complete truth, the reduced sentence would be converted into a normal prison sentence (Burbidge 2008). The process has however been extremely slow. Few demobilized paramilitary have been convicted, while truth seeking has been limited. The process has moreover been hampered by the extradition of 14 key paramilitary leaders to the US on charges of drug trafficking in 2008 (Aponte-Cardona 2008).

⁶ For the purpose of this article I understand the concept 'memory' as the result of the process of remembering past experiences, situations, persons, etc. Since remembering is a process, this means that memories can change, that memories can be quite different from the reality, and therefore also that people's memories of the same event can be very different and that there can be conflicts over memory. Memory is a subjective process that is never fixed, and is subject to the process of remembering and forgetting (Nora 1989; Jelin 2003).

The latter narrative about Colombia is an apt description of the two villages that form the basis of my research.⁷ These two villages, located in the center of the Magdalena Department, were the center of the power of Rodrigo Tovar Pupo. Tovar Pupo, alias “Jorge 40”, one of the key paramilitary leaders in this region, had his military base here. The land, prime cattle territory, was occupied as a means to control the local, regional and national economies and was used by “Jorge 40” to keep cattle stolen as war “booty” and to enable him to control strategic drug trafficking routes (Centro de Memoria Histórica 2012).

In 1997, the villagers were gathered by “Jorge 40” and told to give him and his paramilitary comrades the land. They were given eight days to leave, after which their safety could not be guaranteed, as they would be putting themselves in the middle of a conflict. Through negotiation they managed to extend the period to 15 days, but after the pastor was killed a week later the majority decided to flee, taking whatever they could carry. Many people told me how they lost their livelihood since they had to sell their cattle for very low prices, while the chickens and other farm animals—which provided not only food but also economic currency—had to be left behind or died during the exodus. Different people in these villages have told me this story, often in almost identical ways, or repeating the same story on different occasions.

During their displacement, the villagers—once a united community, at least in their memory of the past—were spread across the Colombian coastal region and even Venezuela. In the stories they told me they recalled the hard work; the suffering of trying to survive in the city as farmers; the difficulties of providing food and schooling to their children; and their fear of denouncing their displacement, rooted in the fact that most state institutions in the region were infiltrated or co-opted by the paramilitary and their accomplices.

⁷ These two villages form part of the municipalities of Chibolo, Sábanas de San Ángel and Plato, located in the center of the Magdalena Department. They are inhabited by approximately 150 families, whose means of subsistence is cattle farming. Most of the people living in these villages were displaced, either from these same villages or from other places in the coastal region. In one of the villages an association was formed upon the return to the land. In the other village, three separate associations exist, divided along different parts of the village. The previously close ties to national-level farmers’ organization ANUC-UR (*Asociación Nacional de Usuarios Campesinos – Unidad y Reconstrucción* or National Association of Farmers – Unity and Reconstruction) were damaged as a result of the conflict. The fieldwork, conducted over a nine month period, uses a feminist approach, using ethnographic and participatory visual research methods to understand people’s experiences and expectations of the land restitution and reparations process and to analyze the impact this process has on gender inequality. The data on which this short article is based was collected between August and December 2015. The land restitution and reparations process were put in place after the adoption of the ‘Victims’ Law’ in 2011.

In March 2006 “Jorge 40” and the paramilitary unit that he led were demobilized as part of the aforementioned Justice and Peace process (Centro de Memoria Histórica 2012). With the help of a sympathetic leader from the nearest town, villagers managed to contact each other again and, in 2007, decided to return to their land. This return was community inspired, without any form of facilitation or accompaniment by the state. This was the start of the difficult and lengthy process of rebuilding their lives and communities. Villagers labored on their overgrown plots of land to make them suitable for cattle grazing again; they reconstructed the houses that had been burnt down by the paramilitary; and they began to rebuild the community that had been separated during the ten years of displacement.

Visible memories of violence⁸

For people familiar with the history of these villages, it is possible to recognize visible signs of past violence. The most obvious is the wooden chalet-type house used as a community center in one of the villages. To be fair, the house is not a memory of violence as such, but a completely remodeled version of it. This house, called la *Casa del Balcón* or the House with the Balcony is known widely in the surrounding area for its uncharacteristic design. Built by the original landowners, it has played an important role in the community. The people initially lived in this house when they occupied the land in the 1980s – supported by the farmers’ movement ANUC-UR⁹ which promoted a process of land “invasions” in order to redistribute farm land more equally (Grupo de Memoria Histórica 2010). When the paramilitary arrived, the house acted as their military control base. Upon villagers’ return after displacement, community members once again lived in this house while rebuilding their houses. The house is of historical significance for the locals, and when President Santos visited this village some years ago; he offered the remodelling of the house as a reparation measure for the community.

⁸ My field notes form the basis for the data described in these sections of the article.

⁹ ANUC-UR stands for *Asociación Nacional de Usuarios Campesinos – Unidad y Reconstrucción*: National Association of Farmers – Unity and Reconstruction.



Image 1: La Casa del Balcón' after it was renovated by the government as a reparation measure. Photograph by author.

The house was stripped down and rebuilt, presenting a rather strange image of a fancy wooden chalet on what could be seen as the village square. Next to it are the sheds in which most of the villagers live. These were constructed as temporary emergency housing by a religious organization, designed to last three years. They are still in use eight years later.¹⁰ The wooden chalet itself looks beautiful on the outside, yet has been invaded by bats, producing a stench that makes it impossible to use the second floor of the house. In addition, because of the hot climate the majority of community meetings are held 50 meters away, under the shade of a large tree to avoid the suffocating heat of the indoors, as there are no fans or electricity in the village.

¹⁰ Unfortunately, lack of adequate housing is a continuing problem for internally displaced people in many post-conflict situations. For information about the situation in other post-conflict situations, see <http://www.internal-displacement.org>.

Not everyone approves of the decision to remodel this house. This is because it is clear that the government spared neither cost nor effort to restore it while the village still lacks running water, electricity, adequate health care and education services – like many other rural parts of Colombia, where the presence of the state has historically been minimal (Pearce 1990). Several villagers told me they would rather have seen the money invested in improving basic village infrastructure rather than on remodelling “Jorge 40’s office”.

Another visible memory of past violence are the sets of concrete cylinders located in different spots across the village. These formed part of a sophisticated water system whose construction was initiated and almost completed by “Jorge 40”. The intention was that ground water would be pumped up, stored in large cylinders and transported across the village to lower cylinders that would serve as watering troughs for cattle. Upon demobilization the paramilitary filled the wells and larger cylinders with stones, rendering the system useless to the returning community members who have no resources to repair the damage or purchase the pump and tubes needed for the system to work.



Image 2: Water tanks built by the paramilitary are not functioning, giving only the illusion of prosperity. In the background the health center, which lacks medicine and is only infrequently attended by the nurse and doctor. Photograph by author.

In spite of the government having initiated efforts of individual and collective reparations, repair of this water system is not amongst the proposed measures. At the same time villagers have experienced several difficult years of drought caused by insufficient rain. Their cattle do not have enough grass to eat or water to drink, causing them to produce less milk or even die, thus severely impacting the farmers' income. Many people complain that the government does not respect or help poor farmers; if it did, the government would have created wells for their cattle to drink, since "water is life". This makes these remnants of the paramilitary heritage an even more ironic visual symbol of not only past violence, but also present hardships.



Image 3: Watering troughs for cattle, without access to water. Photograph by author.

Invisible memories of violence

Beyond the visible impact of the violence, the invisible impact is even more present and apparent to those who visit the villages for a longer period of time. Almost every person I have spoken to mentioned that these two communities used to be very united, helping each other out where there was illness, holding weekly community meetings to discuss the well-being of the community as a whole, and with active women's groups that no longer exist. This is how villagers remember their community before displacement, although memories can become romanticized as people reflect back on the past.

The unity they remember was lost as a consequence of displacement. Having been forced apart, the differences formed through years of difficult experiences have created division and distrust. While some are better off and seen to have had better access to the little state assistance that has been provided, I often hear people question the veracity of other villager's stories: "they were not even here when we were displaced", "he was still a kid when we were displaced, so why should he now lead the reparation process?" or "they don't tell the complete story". Rather than being united by their shared experiences, memories of past violence seem to divide these communities. Most people say they regret this perceived change in community spirit, with people now only concerned with their own wellbeing, rather than the community's. This sense of unity and solidarity is hard to repair. It might be an intentional result of the displacement, meant to break the strong farmers' movements that presented a risk for the large landowners whom the paramilitary protected.

In the memories of the people I spoke to, their communities were united, yet now three major groups can be discerned. The first group occupied the lands in the 1980s and is known as *los luchadores* (the fighters), who fought for the land as part of a peasant movement. The second group, *los compradores* (the buyers), bought their plots of land in the 1990s and experienced displacement just like the *luchadores*. Being able to buy land indicates the often better financial situation of the *compradores*, which has become more evident after their return. This group has become more influential in terms of leadership after the communities' return, creating discontent among the *luchadores*.

After the demobilization of the paramilitary, some villagers decided not to return either for fear of renewed violence, or because they had become settled in their new homes. Therefore, there is also a group of new villagers who bought their plots of land after the displacement, called *compradores de buena fe* (buyers of good faith), indicating they obtained the land legally and in agreement with the community. Some of these post-displacement buyers moved to these communities after having experienced displacement elsewhere themselves. Nevertheless, as the community commented in a focus group (November 2015), this group of new buyers is not well integrated within the community, participating less in community activities and the farmers' association, which are the spaces people mention as key aspects of their previous unity. These divisions among the community are also evident in the organization of community celebrations, where different groups disagree about which date is most significant for the community, and at election time, when division becomes evident through the support of different candidates in the clientelist local electoral system and in the façade of democracy.

For outsiders like me, it seems that the notable absence of basic development services in these villages makes this lack of community cohesion and organization even more acute. Strong community organization and affiliation to a larger farmers' movement like in the 1980s could help to press for urgently needed basic conditions of health, education, and safety. Access to health care is limited. Only one of the villages has a health center, with limited and infrequent staffing and no medicine. These communities can only be accessed by dirt roads that become almost impassable after heavy rain. This not only limits the possibilities to reach the nearest small town in case of medical emergencies, but also means teachers are often unable—or unwilling—to come when it has rained, while village schools are too small to accommodate all children.



Image 4: A road after it has rained. Photograph by author

Most houses do not have bathrooms or even basic latrines, and most people bathe in communal wells, risking being bitten by snakes and other animals. This lack of basic amenities means that it is almost impossible for most people in these communities to structurally improve their living conditions, hampering their dream of the formation of a dairy cooperative.

Safety is also a concern, as there is virtually no police presence in these villages and people feel unprotected against theft or other forms of common delinquency. This is an example of the historical absence of the state in the economic and social development of rural Colombia. The state's commitment to economic liberalism leaves many people excluded from economic development, reflected in the 57.5% of

Colombia's rural population living in poverty and the 23% living in extreme poverty¹¹ (Pearce 1990; Amnistía Internacional 2014). This is particularly grave in the case of communities displaced as a result of the lack of protection of the state. The state should rather demonstrate a clear commitment to their protection and towards the rebuilding of confidence in the state. In these villages the closest representation of the state is the municipal council and the mayor. Nevertheless, after elections mayors have generally been conspicuous by their absence and by the many broken promises of installing electricity and improving the road. Community members feel that these local politicians have not taken them seriously. In January of last year new mayors took office, and hopes are high that they will produce the changes promised. It is too early to conclude on this matter.

Memories of violence versus present injustice

Working in these villages, it is soon apparent that memories of the violent past still play an important role in these communities today. Not a day goes by without people mentioning the displacement. However, it is also striking how the current situation of these formerly displaced farmers continues to be characterized by a lack of attention from the state in terms of their basic socio-economic rights. People's everyday concerns are the lack of safe drinking water, the lack of medical care, and the failed harvests because of the drought. The people in these villages continue to feel unprotected and unrecognized by the government, and perceive it does not respect or protect its peasant population. People often mention the visit that the President made to their village in 2012. He then promised them they would have their land titles back within a year and that the roads would be improved, among other things later included in official reparation and other plans by different state institutions. These plans and promises have raised high expectations among the people, but without results nor clear time frames after several years, they have not helped to restore trust in the state.

At the same time, as some people I have spoken to admit, people have adopted a passive attitude, waiting to be helped by the government. This seems to be quite a change compared to their hard work building their communities from scratch in the 1980s as some of the *luchadores* have told me. Perhaps this is another characteristic that the displacement produced: demotivation and passivity after having lost everything that they worked so hard for.

¹¹ These numbers, cited by Amnesty International, are provided by Colombia's National Statistics Department. Although it indicates that these numbers refer to "monetary poverty" –not taking into account other ways to measure poverty– it does not indicate the income below which a person is considered to suffer poverty or extreme poverty.

Violence does not stop once a conflict ends, since although physical violence has ceased after paramilitary demobilization in this region, structural violence continues through the inequality that people still suffer. The images in this article intend to reflect how these old and new memories of violence merge through the everyday difficulties that people continue to experience. Direct and structural violence are closely related, and people who have suffered violent conflict are often reminded of this not only through memories of past violence, but also through their present situation, in which their expectations and hopes for a better life are still unmet.

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